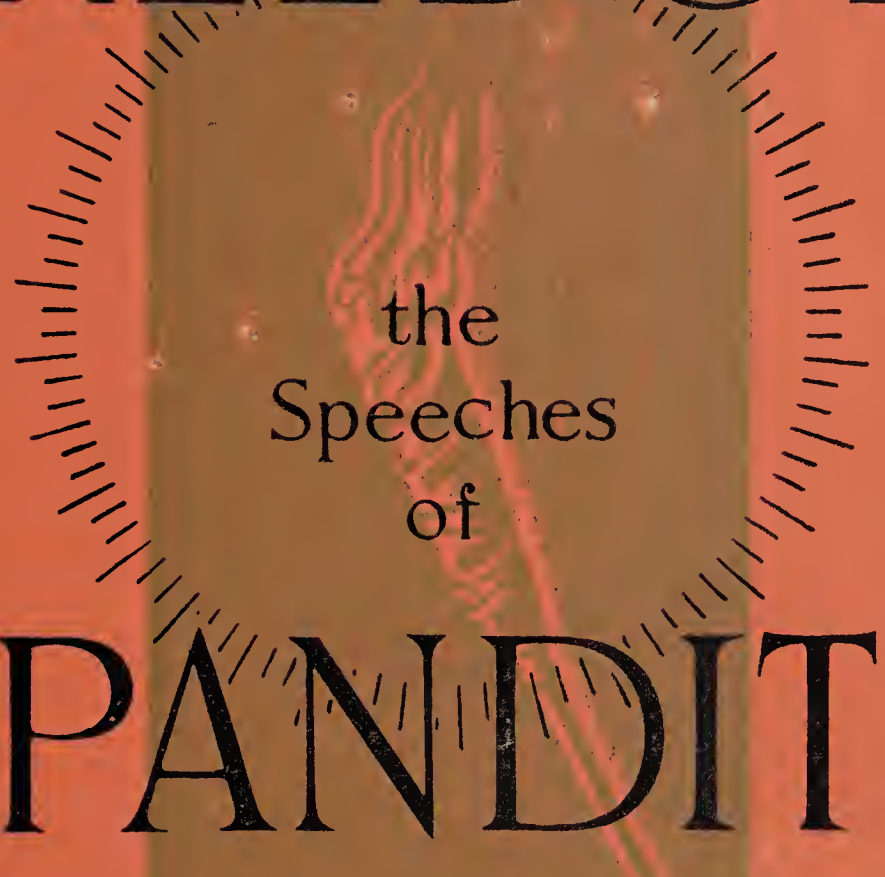


# THE VOICE OF FREEDOM



the  
Speeches  
of

# PANDIT MOTILAL NEHRU

Edited by  
K.M.PANIKKAR and A.PERSHAD

The forty-four speeches comprising this volume present the late Pandit Motilal Nehru as a militant fighter for freedom and a scintillating orator. They highlight the capaciousness and clarity of his intellect, his unmatched skill as a parliamentarian, and reveal his deep knowledge of law, his ready wit, and his awareness of all the aspects of the political and social scene of his day. *The Voice of Freedom* being issued to mark the birth centenary of Pandit Motilal Nehru, will remind generations of Indians of a "generous and fearless personality, and of a life of nobility and patriotism, service and sacrifice."

As one reads through the pages of the book one catches the resounding echoes of the restlessness and the tumult, the determination and courage of a nation which willed its freedom, for it is not a dull chronicle of events that is presented here but the superb spectacle of history in the making, the clash of many forces culminating in the freedom of this vast land.

Speeches referring to the visits of the Simon Commission, black-flagged and boycotted, the dying shrieks of the wounded at Jallianwalla Bagh, the humiliation of the Crawling Order, and the agony and martyrdom of Bhagat Singh, Jatin Das and other patriots become vibrantly alive in the pages of this book, for the words portraying the incidents, were uttered by Motilal Nehru spontaneously in the white heat of shaping events.

Dr. S. Radhakrishnan says: "Motilal Nehru had an enfranchised mind, free

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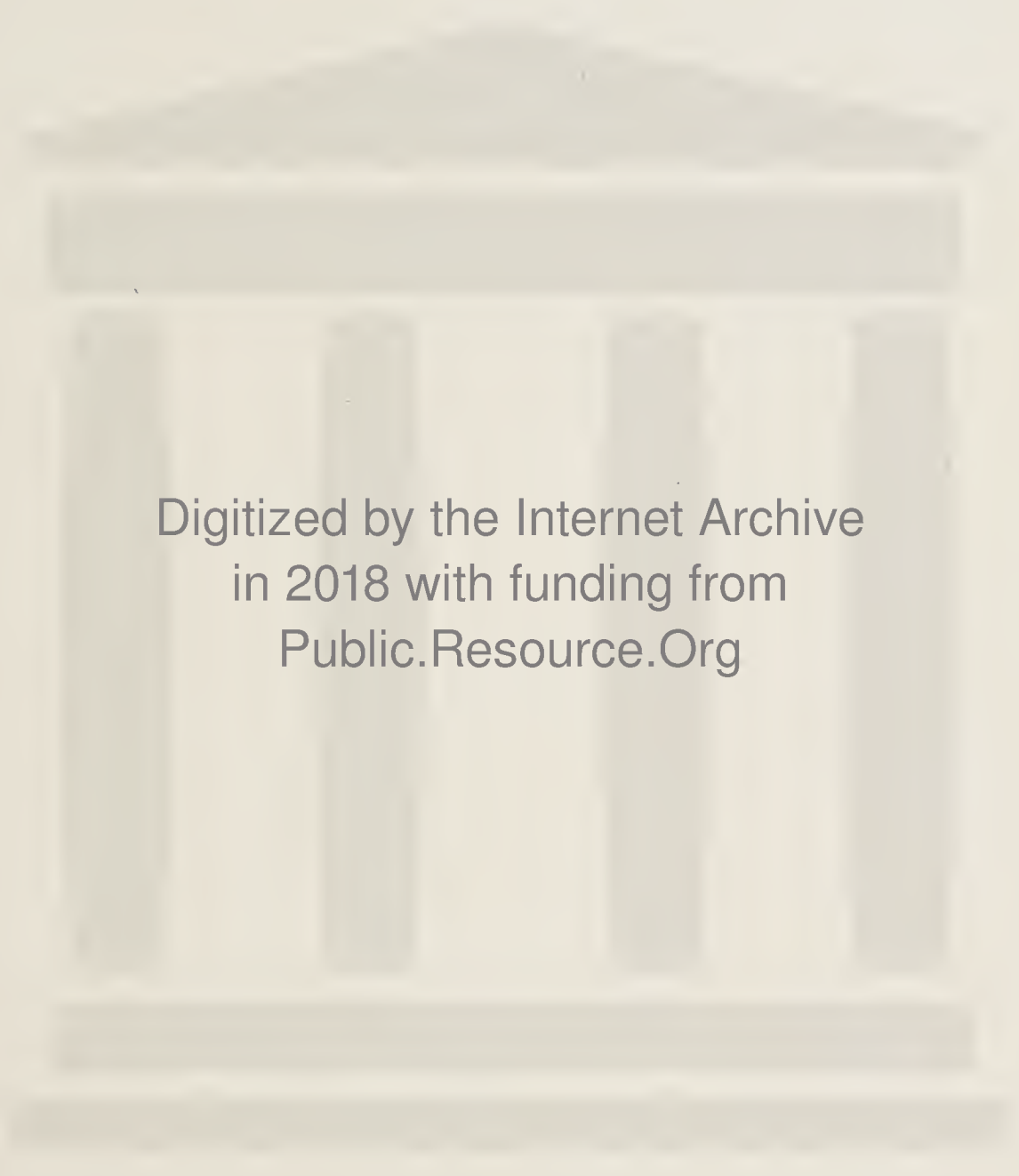




The  
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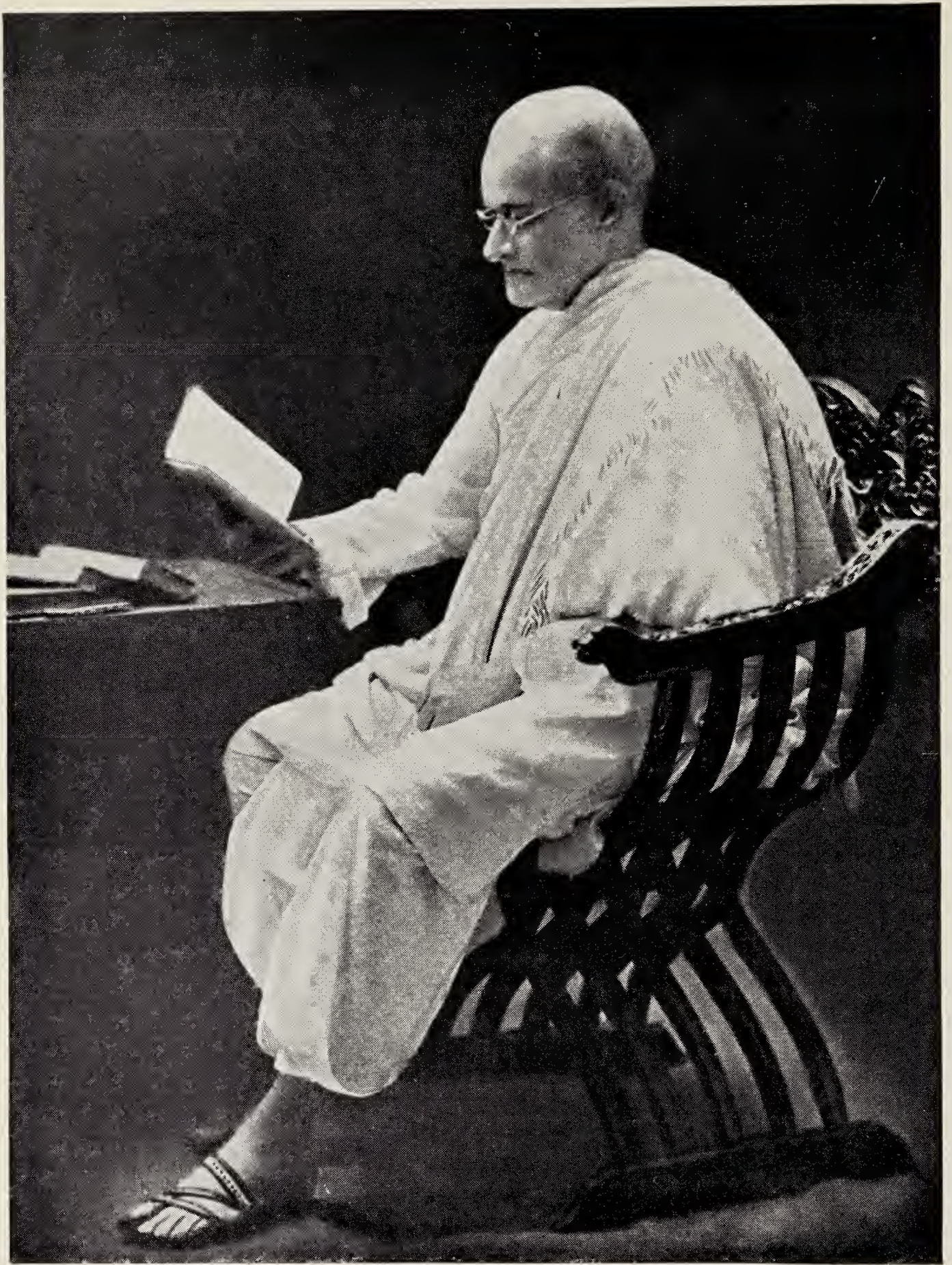






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# THE VOICE OF FREEDOM

SELECTED SPEECHES OF  
PANDIT MOTILAL NEHRU

*With a foreword by DR. S. RADHAKRISHNAN*  
*Vice-President of India*

Editors

K. M. PANIKKAR  
A. PERSHAD



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## FOREWORD

I first met Motilal Nehru when he came to Calcutta for presiding over the Congress session in 1928. In the same year he produced what is called "The Nehru Report"—our first effort at Constitution-making. I saw him also during the years when he was leading the Swarajya Party in the Central Assembly at Delhi. I met him again a few months before his death when he was undergoing treatment at Calcutta. His thoughts in those last days were about Swaraj for which he worked with such devotion and fervour.

On his death-bed at Allahabad Motilal Nehru was waiting for Gandhiji. When he came, Gandhiji said: "We shall surely win Swaraj if you survive this crisis." Motilal Nehru said: "I am going soon Mahatmaji and I shall not be here to see Swaraj, but I know you have won it and will soon have it." Our greatest sorrow is that he did not live to see that day.

The name of Motilal Nehru will be permanently inscribed in the annals of our history not only for his individual contribution but also for the sacrifices made by the members of his family, inspired by his example and the influence of Gandhiji.

Motilal Nehru had an enfranchised mind, free from all prejudices and hospitable to all good influences, Hindu, Muslim and British. His appearance reminded us of the ancient Roman consuls. He had a regal presence, a lordly manner and moved through the world on a high plane and dominated every gathering. He had not the taint of commonness but had a distinction in manner. Under his impressive and seemingly imperturbable bearing lay hidden an unusual sensitivity and a remarkable capacity for feeling pain.

The speeches delivered by him on various occasions and brought together in this volume bring out prominently the capaciousness and clarity of his intellect and his skill as a parliamentarian. We find in them a deep knowledge of the law, a quick wit, and an awareness of all aspects of the contemporary scene. His vision was not limited to politics. In fact, he realised that political servitude was the result mainly of the evils of the social system, and for this, as he stated openly, the British were not to blame. What he strove for was, in his own phrase, "all forms and degrees of freedom."

will be of value to all persons interested in the constitutional history of this country.

In compiling this volume the main problem of the editors had been the non-availability of the volumes of *Independent*—the paper owned by Panditji and published from Allahabad. A number of important speeches which were verbatim reproduced only in the *Independent* could not, therefore, be included herein. Due to the limited space at their disposal the editors had to cut out a number of speeches at the final stage. For this reason only three of his speeches in the U.P. Legislative Council find a place in the present volume.

The material has been mostly taken from the Debates of the U.P. Legislative Council and the Central Legislative Assembly, Proceedings of the Indian National Congress, Mitra's Annual Register, and newspapers.

The Committee is greatly indebted to the editors Shri K. M. Panikkar and Shri A. Pershad for the labour of love they bestowed in editing this book at the cost of other important work.

We also record our appreciation of Miss Promilla Suri of Allahabad University who has been of great assistance to the editors. We acknowledge with thanks the wholehearted co-operation we have received from the authorities of the Parliament Library, the Library of the School of International Affairs, New Delhi, and the National Archives Library.

MOHAN LAL SAKSENA

*Secretary*

Motilal Nehru Centenary Committee

*New Delhi*

6 May 1961

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The spirit of independence once born never dies

MOTILAL NEHRU





PART ONE

# CONGRESS SPEECHES



# Responsible Self-Government\*

*Presidential address delivered at the thirty-fourth annual session of the Indian National Congress in Amritsar on 27th December, 1919. [Slightly Condensed]*

It is indeed an exceptional honour to be thought fit to take the helm of the great ship of the Indian National Congress in the stormy weather we are passing through. The honour you have

\*The 1919 Congress met in a somewhat electrical atmosphere. There was the Khilafat agitation, the Jallianwalla Bagh massacre, and the Montford Reforms.

Pattabhi Sitaramayya writes about the Jallianwalla Bagh tragedy, which took the first attention of the Congress:

On the 13th April, which was the Hindu New Year's Day, a large public meeting was advertised and held in the Jallianwala Bagh, which is an open ground in the midst of the city enclosed with walls which form the boundaries of houses overlooking it. It has a bottle-neck that forms the only entrance to it, and so narrow that a carriage cannot pass along it. When twenty thousand people, men, women and children, gathered at the Bagh, General Dyer entered the place at the head of a force composed of 100 Indian troops and 50 British, while one Hansaraj was lecturing to the audience, and gave orders forthwith to fire. His own version as given later before the Hunter Commission was that he ordered the people to disperse and then fired, but he admitted that he fired within two or three minutes of the order. In any case, it was obvious that 20,000 people could not disperse in 2 or 3 minutes especially through that narrow outlet, and when 1,600 rounds were fired—and the firing stopped only when the ammunition had run out—the casualties were, even according to Government's version, about 400 dead, while the wounded were estimated at between a thousand and two. The firing was done by the Indian troops, behind whom were placed the British troops—all on an elevated platform in the Bagh. The greater tragedy really was that the dead and dying were left to suffer the whole night without water to drink, or medical attendance, or aid of any character. Dyer's contention—as it came out later—was that “the city having passed under the Military, he had tomtomed in the morning that no gathering would be permitted and as the people openly defied him, he wanted to teach them a lesson so that they might not laugh at him. He would have fired, and fired longer,” he said, “if he had had the required ammunition. He had only fired 1,600 rounds because his ammunition had run out.” “As a matter of fact,” he said, “he had taken an armoured car but found that the passage to the Bagh would not admit it, and so he left it behind.”

—*The History of the Indian National Congress (1885-1935)*, pp. 278-9; 1935.



conferred on me is deserved only by a skilled pilot, who can afford to make light of the breakers and the rocks ahead. I wish your choice had fallen on one, who had both the skill and the confidence to steer clear of all danger the noble vessel you have so generously committed to my care, when it is about to sail on a perilous voyage. But all too unworthy as I am for the great distinction you have bestowed on me, I derive solace from the fact that there is a special feature of this session, which no doubt has influenced your choice, and which perhaps widens the qualification for the chair to include even such as I. That special feature presents itself at the outset and runs through our whole programme. It arises out of the recent tragic events in the Punjab which must naturally form the keynote of our proceedings. Those events furnish many a dark chapter to the history of the past twelve months, but none darker than the great tragedy enacted in this very city of Amritsar in April last. Fellow delegates, you have assembled here in deep mourning over the cruel murder of hundreds of your brothers and in electing your president you have assigned to him the position of chief mourner. That position I accept in all reverence and I thank you for it in all sincerity. The responsibility, however, remains and is considerably augmented by the great solemnity of the occasion. I can only hope to discharge it by your generous indulgence and the kindly co-operation which I trust I shall receive at your hands in a very liberal measure.

Last year when we met at Delhi the great war had ended and we were all looking forward, full of hope, to the great peace which would endure and which would bring the blessings of Freedom to all nationalities. The time had come for the fulfilment of the many pledges made to us and, in accordance with the principles laid down by statesmen in Europe and America, this Congress demanded self-determination for our country. Peace has now come, partially at least, but it has brought little comfort even to the victors. The pledges made by statesmen have proved but empty words, the principles for which the War was fought have been forgotten and the famous fourteen points<sup>1</sup> are dead and gone. *Vae victis* is still, as of old the order of the day. Russia, hungering for peace, is allowed no respite, and a number of little wars are waging on

<sup>1</sup> Enunciated by President Woodrow Wilson of U.S.A. as embodying the objects for which the allies were fighting.

the continent of Europe. Prussianism has been crushed but it has been reborn in other countries of the West, which have enthroned militarism on high. The fate of Turkey hangs in the balance, and Ireland and Egypt are being made to feel the might of the British Empire. In India the first fruits of the peace were the Rowlatt Bills and Martial Law. It was not for this that the war was fought, it was not for this that many hundreds of thousands laid down their lives. Is it any wonder that the peace has aroused no enthusiasm and that the vast majority of the people of India have refused to participate in the peace celebrations?

With coercion has come concession. That has been the old time policy in India, as in Ireland, persisted in by England in spite of repeated disillusionment. Our rulers have failed to realise that repression and conciliation cannot go hand in hand; that the grace of a gift lies more in the manner of giving than in the thing given. And so the much discussed Reform Bill has been hurried through Parliament so that this "big meeting", as Mr. Bonar Law<sup>2</sup> put it, may be pacified by it to a certain extent at least. The new act demands our most careful consideration. I shall deal with it at a later stage and it will be for you to decide how far it meets with your wishes. But through the surrounding gloom has come a ray of bright sunshine which has cheered up many a suffering individual and family in India. His Majesty the King-Emperor has on the eve of this great meeting been graciously pleased to send out to us a message<sup>3</sup> of His Royal clemency to be exercised by the Viceroy in the name and on behalf of His Majesty to all political offenders suffering imprisonment or restriction on their liberty. In the gracious words of the proclamation it is the "Sentiments of affection and devotion" with which His Majesty and His predecessors have been

<sup>2</sup> Conservative Prime Minister.

<sup>3</sup> The following was the message sent to India on December 23, 1919, along with the Royal Proclamation by His Majesty the King Emperor.

"It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are responsible for my Government should be obliterated . . . A new case is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose.

"With all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fullness of political freedom."



animated that have consoled us in our misfortunes. It is for us, fellow delegates, on our own behalf and on behalf of the people of India whom we represent to convey your sincere homage to His Majesty and our humble appreciation of His Royal benevolence. I have no doubt that you will discharge this loyal duty in a befitting manner and send out the hearty welcome to His Royal Highness the Prince of Wales who is to visit our country next winter. Let us gratefully join His Majesty in his hopes of the future and in the fervent prayer "to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fulness of political freedom."

It is due to this Royal mercy that we have among us to-day the great leaders of the Punjab who till yesterday were in jail. On behalf of this great Congress I offer them the warmest of welcomes. They have passed through the fiery ordeal of suffering for the cause and they have come back to us to take their rightful place in the councils of this great assembly. Their suffering has not been in vain. It has taught a lesson which we in this Congress, I trust, will not fail to learn.

We must do reverence to the sacred memory of the dead who were killed in Amritsar and elsewhere in the Punjab, and to the living who were put to indignities worse even than death and suffered the most shameful barbarities. No monument in marble or bronze is needed to consecrate the memory of the dead or the sufferings of the living. Our speeches here will be forgotten, the resolutions you pass may in the future, have interest only for the historian, but India will never forget the sacrifice and the sufferings of these children of hers.

As I have already indicated the Punjab has the right to claim the first attention of this Congress. But before I deal with the various problems which it presents for our consideration I desire to congratulate you heartily, my fellow countrymen and women of the Punjab, and more specially those of Amritsar, for the courageous public spirit you have shown in holding the present session of your great National Assembly in this city. You resolved in happier times to invite the Congress to your Province, little dreaming of the dark days you were destined to go through before you were to realise your expectations. You lost no time in forming your Reception Committee and were cheerfully busying yourself

with your patriotic work when a great calamity suddenly descended upon you. All praise for your patient suffering.

India has suffered much at the hands of an alien and reactionary bureaucracy, but the Punjab has in that respect acquired a most unenviable notoriety. Competent observers have borne testimony to the spirit that has animated the Punjab administration ever since it came under British rule. Sir Henry Cotton<sup>4</sup> and Mr. Bernard Houghton both eminent members of the Indian Civil Service, have told us of the retrogressive and backward condition of the Province and the militarist tendencies which hold sway there. Mr. Ramsay MacDonald in his book *The Awakening of India* says:

“It is generally conceded in India that the most incompetent of the Governments is that of the Punjab. It takes its stand upon two foundation rocks, “prestige” and “sedition,” the meaning of the former being that it can do what it likes and of the latter that if any Indian questions its doings his house will be razed and he will be deported. It has no notion of statesman-like handling, no idea of political methods. The man in power simply uses his power whether it is in the form of a not too honest detective department or a not too discriminating executive or judiciary.”

The proximity of the Punjab to the frontier has enabled its administrators time and again to enforce their will on successive Viceroys and Secretaries of State. The bogey of the frontier is exploited to the uttermost and the proposals made by the “man on the spot” seldom fail to secure acceptance at the hands of the higher authorities.

In order to appreciate the causes which ultimately led to the catastrophe of April last and its sequel, it is desirable to consider briefly the forces which have been at work ever since the first pulsations of public life began to be noticed by the authorities. Before 1905 there was practically no public life in the Punjab but the stupendous blunder of Lord Curzon<sup>5</sup> in affecting the partition of Bengal in the face of a nation's resentment not only convulsed the affected province but sent a thrill of excitement and discontent throughout the country, which could not fail to arouse

<sup>4</sup> One of the founders of the Indian National Congress.

<sup>5</sup> Viceroy of India.



public activity in the Punjab. The introduction of the Colonization Bill in the local Legislative Council shortly after brought trouble to the very doors of the people. By this bill it was intended to curtail the valuable vested rights of the so-called colonists and to deprive them of the fruits of their labour which had converted the desolate wild around Lyallpur into a smiling garden. A strong agitation followed and this was dealt with by the usual policy of repression. About this time the editor and proprietor of the *Punjabee* newspaper were convicted. Shortly after the Colonization Bill was passed by the local Council. But these measures failed to put down the agitation which was continued with redoubled energy. The more excitable among the people came into conflict with the police and there were riots in Lahore and Rawalpindi in April, 1907. Against the arrest and trial of the actual rioters no sensible person can have anything to say but there was no justification for the arrest of Lala Hansraj Sahney and some other leading public men, as was shown at their trial. Even less excusable was the deportation without trial of Lala Lajpat Rai and Ajit Singh. The policy of the Punjab Government in those days, and handed down as a legacy to succeeding Lieutenant Governors, was to shut their eyes to their own reactionary administration and keep the Government of India and the Secretary of State in ignorance of the real causes of the disturbances by supplying them with coloured accounts and fixing responsibility for their lapses on the poor "agitator". Be it said, however, to the credit of Lord Minto<sup>6</sup> that he refused to assent to the unjust law passed by the Punjab Council.

But repression and terrorism have never yet killed the life of a nation; they but increase the disaffection and drive it underground to pursue an unhealthy course of breaking out occasionally into crimes of violence. And this brings further repression and so the vicious circle goes on. No one can but deplore violence and political crime. But let us not forget that this is the direct outcome of continued repression. It is due to the perversity of the executive which blinds itself to the causes of the discontent and, like a mad bull, goes about attacking all who dare to stand up against it.

Sir Benzil Ibbetson, the Lieutenant-Governor of the Punjab during the troubled days of 1907, was not slow to perceive the

<sup>6</sup> Viceroy of India.

“new air which was blowing through men’s minds” but instead of adjusting his sails to this “new air” he chose to steer his course right against it. He, as well as his successor,<sup>7</sup> followed the broad and easy path of piling repression on repression in accordance with the hallowed traditions of the Punjab administration.

This was the state of the Punjab when her destinies were placed in the hands of Sir Michael O’Dwyer. It was a splendid opportunity for a broadminded and generousminded statesman to strengthen the foundations of the Empire by doing the barest justice to the natural aspirations of people to whom the Empire owed so much. How Sir Michael acquitted himself of this high trust every Indian knows.

During the early days of Sir Michael O’Dwyer’s rule occurred the *Komagata Maru* incident. The unfortunate men who had left their homes in a spirit of peaceful enterprise, many not wishing to return to India at all, found every door shut in their faces and were forced to return. The reception prepared for them by the Government of India, presumably at the instance of the Punjab Government, was the passing of the Ingress into India Ordinance, which empowered the Government to restrict the liberty of any person entering India. On landing in India they found themselves prisoners and, broken down as they were by the consistent illtreatment they had received at home and abroad, they completely lost their heads and the unfortunate *Budge Budge* riot was the result.

The *Komagata Maru* episode marked the recrudescence of unrest in the Punjab and afforded a pretext to Sir Michael O’Dwyer to ask for more “effective power” from the unwilling Government of Lord Hardinge.<sup>8</sup> During 1914 and the early part of 1915 insistent demands continued to be made for a *carte blanche* to deal with the situation and a draft ordinance of a drastic character was submitted to the Government of India for approval and promulgation. At last Lord Hardinge was compelled to yield and the Defence of India Act, which substantially embodied the provisions of the draft ordinance, was hurriedly passed through the Indian Council. How this “essentially war measure” has been used not only in the Punjab but in the other provinces as well to deal with matters wholly unconnected with the war, we all know. Sir Michael O’Dwyer was not slow to utilise it and soon after reported its “salutary effect” to the Government of India.

<sup>7</sup> Sir Michael O’Dwyer.

<sup>8</sup> Viceroy of India.



The years 1915 to 1917 were occupied with various conspiracy trials by special tribunals constituted under the Defence of India Act. The vernacular press was ruthlessly suppressed and hundreds of persons were interned under the Defence of India Act or the Ingress Ordinance. It was during this period that Lokamanya Tilak and Shriyut Bepin Chandra Pal were prohibited from entering the province lest they should introduce the virus of Home Rule here. This order was recently withdrawn as far as Mr. Tilak was concerned and I am sure you will all join with me in offering a most cordial welcome to him here after his arduous labours in England for the cause. To Mr. Pal, who is also present here, I offer a warm welcome.

I now come to the war activities of the O'Dwyerian regime during which, in the name of patriotism and the Empire, methods were employed which were even worse than those I have so far noticed. These could only have been practised in the Punjab either by the direct sanction or connivance of Sir Michael O'Dwyer or by overzealous subordinates in the hope of reward. The truth of the Persian saying

به نیم بیضه که سلطان ستم روا دارد  
زنند لشکر یانش هزار مرغ به سیخ

(If a king tolerates one grain of oppression,  
his retinue will inflict a ton of misery)

was fully realised in the course of this strenuous period. For a short time after the beginning of the war recruitment in the Punjab proceeded under normal conditions. But soon after Sir Michael O'Dwyer made up his mind to acquire the distinction of being the foremost recruiting sergeant in India and gentle persuasion gave place to more vigorous methods. Then came the Prime Minister's appeal for increased war effort. Sir Michael O'Dwyer's energies now knew no limits. In his speech in the Punjab War Conference he said:

“You know the Delhi programme. My application of it to the Punjab I can explain in a single sentence. Two hundred thousand men for the regular army, voluntaryism if possible,

conscription if necessary, twice the hundred thousand men we have been asked for for the Indian portion of the Indian Defence Force, a war loan effort which will eclipse the last, the development to the utmost of our local resources and by God's grace, victory in the end."

These are noble words breathing a lofty patriotism for the Empire. But what regard was paid to the capacity of the Province to fulfil the expectations of its ruler? At the Delhi conference the total number of men to be supplied by India was determined to be 5,00,000. Of these Sir Michael O'Dwyer made up his mind to find no less than 40 per cent from his own Province, the population of which, including the Indian States, is only 13 per cent. It was too big an undertaking even for the martial races of the Punjab who had already contributed over 2,50,000 combatants and 70,000 non-combatants, since the commencement of the war. Hence the broad hint conveyed in the words "voluntaryism if possible, conscription if necessary." The various officials engaged in recruiting lost no time in translating those words into action and the horrors committed in the guise of patriotic effort are still fresh in the memory of the victims. An ingenious "quota system" was devised under which a rough census of the male population of every village was taken and each village was called upon to furnish a certain number of recruits within a fixed time. If the required number was not forthcoming within the time given various unlawful and oppressive methods were employed. Villagers were punished collectively and individuals were subjected to great hardships and humiliation.

The Criminal Law was openly abused and numerous proceedings were taken against innocent men under the provisions of Sections 107 and 110 of the Code of Criminal Procedure with the sole object of compelling the accused persons either to enlist or to supply recruits.

Similar methods were employed to swell the provincial contributions to the war loan. It will be interesting to prepare statistics to show how many subscribers found it necessary to transfer their war bonds at heavy discount soon after their subscriptions were announced. One of the favourite methods to deal with those who did not satisfy the authorities with their war effort either in supplying recruits or contributing to the war loan was to enhance their income-



tax. The following short extracts from the judgments of Collectors, rejecting objections to the enhancement, will be instructive:

“He (the objector) has three sons and will not enlist one of them. He has not subscribed to any war fund or war loan although he could easily do so.”

“Up to-date he has not helped even by a single pie in any war fund or loan.”

The inevitable result of the systematic oppression, the main features of which I have described, was to spread serious discontent throughout the province and it is not surprising that the pent up feelings of the people occasionally found vent in the commission of serious offences. We have it on record that a Tehsildar in the Shahpur District was murdered and some of his companions sustained grievous hurt. In the same district a mob offered resistance to the arrest of some men on a charge of dissuading people from enlistment with the result that it was fired upon and several casualties occurred.

Mr. Montagu<sup>9</sup> in his last speech on the Indian budget remarked<sup>10</sup>:

“Recruiting for the army has gone on in parts particularly affected by these disturbances with such zeal and enthusiasm that I think there is reason to believe that many a family was left without its bread-winner.”

Did Mr. Montagu sufficiently realise the inwardness of the “zeal and enthusiasm” he referred to or the extent to which it was carried? The “unauthorised, objectionable and oppressive methods” employed by ziladars and lambardars under pressure of the authorities are described in the judgment of the Sessions Judge of Multan as “matters of common knowledge.” It is evident that this “common knowledge” did not travel beyond the seas of England or we should have found some indication of it in Mr. Montagu’s speech.

It will be convenient for me here to say a few words about this

<sup>9</sup> Secretary of State of India.

<sup>10</sup> On 22nd May, 1919 in the House of Commons.—For details see *Hansard*, Vol. 116, cc. 636.

most inequitable measure which even according to Mr. Montagu has met with "universal opposition throughout India." You must be perfectly familiar with the provisions of this Act (Rowlatt) and I shall only notice a few salient features which are enough to condemn it. It invests the Government with "emergency powers" to enable it to deal with anarchical and revolutionary movements. Part I of the Act supersedes the ordinary mode of trial by a special procedure when the Governor-General in Council is satisfied that it is expedient in the interests of public safety to provide for a speedy trial. This speed is attained by doing away with commitment proceedings and the right of appeal which in one word means speed at the expense of justice. It is impossible to underrate the importance of commitment proceedings which give fair notice to the accused of what the case against him is, and how the prosecution seek to prove it. As to the value of the right of appeal there can be no two opinions. The most remarkable feature of the Act in this respect is that no right of appeal is given even when the judges differ, the only consideration shown being that no sentence of death shall be passed if there is such difference of opinion.

Parts II and III are designed to deal with two classes of anarchical and revolutionary movements but the difference between them is only one of degree. Part II applies when such movements are "extensively promoted" and Part III when they are "prevalent to such an extent as to endanger public safety." But whatever the difference between the two it is impossible in any given case to show that the movement in question was of the one kind and not of the other. For all practical purposes, therefore, the Governor-General in Council has a free hand in the matter and may proceed under Part II or III as he likes. The fact that a person is concerned in any movement of either kind is in the first instance to be determined behind his back and later on, when his case is referred to the investigating authority, he is to be given an opportunity to appear at some stage (not all the stages) of the proceedings, which are to be held in camera. The unfortunate person is not to be allowed to be represented by counsel, he may not be told the name of his accuser, nor even all the facts on which the accusation is based and is not entitled as a matter of right to examine any witness, or produce any document if the investigating authority were not



bound to observe the rules of the law of evidence and there shall be no appeal from its finding. We then have the drastic powers given to Local Governments, which are milder under Part II than Part III but extend to the search of any place and confinement in jail of the person concerned.

These, fellow delegates, are some of the staggering provisions of the new law against which the whole country rightly rose as one man. Because there are, unfortunately in this country, as there undoubtedly are in other countries, some misguided persons who endanger public safety, the whole nation must submit to the disgrace of allowing this terror to hang over it.

Much has been said of rumours and misrepresentations of the provisions of the Act. I confess that I have not come across them except in Government communiques and some police evidence before the Martial Law Commissions. It is a remarkable fact that though these rumours were supposed to have emanated from the educated classes, not a single witness was called nor a single speech produced to fix any particular person with their authorship or circulation though the C.I.D. were everywhere in evidence. Indeed one of the popular cries in the Punjab put the main provisions of the Act in a nutshell.

نہ وکیل نہ اپیل نہ دلیل

(No pleader, no appeal, no argument)

This is as true a description of the Act as any that can be given in six words, though the author of it has been convicted and sentenced by a Martial Law Commission.

Mr. Montagu has sought to defend this measure in his Budget speech in the House of Commons. He has resorted to special pleading and instead of justifying the principle of the Act has plunged into a consideration of the necessity to deal with anarchical crime. Political crime has to be dealt with, has to be rooted out, but I repeat what has been said so often before, that no number of Rowlatt Acts or other repressive measures will put an end to it. The one and only way to cast it out is to remove the causes of discontent.

The most amazing part of Mr. Montagu's defence of the Act

came when on being interrupted by an Hon. Member on the question of the accused being deprived of legal assistance, he said:

“Yes sir; under Part I of the Act he has assistance, but under Parts II and III there is no legal assistance. This is not a law court but a committee of inquiry. It is more like a school master investigating trouble at a school, a committee of a club using its friendly services for the purposes of inquiry, somebody to explore all matters, somebody to see that injustice is not done, somebody to be sure that all the facts are investigated.”

To compare the arrest and confinement without trial of a citizen, and numerous other restraints put on his liberty of action and speech, with the governance of a school or a club is, to say the least, adding a gross insult to a serious wrong. It can only be accounted for by the oft-repeated complaint that Mr. Montagu has recently, in his zeal to push the Reform Bill through, lost all sense of proportion of the other things Indian.

For these reasons I have no hesitation in asking you to express in no uncertain terms, what I know to be your considered opinion, that the Act is an ugly blot on the Indian statute book and must be removed without delay. The issue before us is, as Mahatma Gandhi has concisely put it, “Is the will of the people to prevail or that of the Government?” The very existence of this measure puts a stain on our self-respect and our national honour. But I feel confident that if you persist in your constitutional efforts you will get rid of it. For, as Mahatmaji says:

“A Government be it ever so powerful and autocratic is bound to yield to unanimous public opinion. It is a bad outlook before us if truth and justice have to surrender to mere physical force whether it is wielded by an individual or by a Government.”

I apologise to you, fellow delegates, for having detained you even for the few minutes I have on the provisions of this inequitable measure. I have done so as this is the first opportunity for the Congress to pronounce its opinion on the Act and also because it marks the starting point of the recent trouble in the Punjab. I must not omit in this connection to express our keen appreciation



of the high sense of public duty shown by those members of the Imperial Council who resigned their seats as a protest against the passing of the Act.

The Rowlatt Bills, bad as they were, were made even worse and more unacceptable to us by the environment in which they were set. Mahatma Gandhi rightly pointed out that they were "the unmistakeable symptoms of the deep seated disease in the governing body" a disease which soon after broke out in all its virulence and naked ugliness. To fight this disease Mahatma Gandhi started the great *satyagraha* movement. A new force was introduced into our politics, a force with the most tremendous potentialities. India's masses were suddenly awakened and the message of *satyagraha* entered the humblest home. Some of us did not entirely agree with the wording of the *satyagraha* pledge, many were of opinion that the time had not come for civil disobedience. But few, I imagine, can disagree with the essentials of the doctrine. These, as I conceive them, are truth, fearlessness and non-violence. And, as a corollary, I would add that it is the right of every man to refuse to obey any law which goes against his conscience and to which he cannot, with due regard to truth, submit, and to suffer the consequences of such disobedience. This is specially so where the laws are passed against the will of the people. I would here refer you to what an eminent American has said. Mr. Hadley, president of the Yale University, says:

"You can compel ignorant people to accept a statute, you can force bad men to obey it when they do not want to, but if a statute or judicial decision passes the line of those duties which good and intelligent men as a body accept and impose upon themselves, it is at once nullified. The process of nullifying law has sometimes been called passive resistance."

The qualities I have mentioned above, whether you call them *satyagraha* or by any other name, are essential if we are to take our rightful place amongst the nations of the world. We shall not be free or deserve freedom unless we have these qualities in ample measure. Unless we adhere to truth and discard fear we cannot get rid of the slave psychology, the outcome of generations of repression, which has been our sad inheritance. And violence



cannot avail us. That is the special weapon of the West and we cannot hope to win freedom by armed force. But even if we could do so it would be a barren victory, a victory which would degrade and coarsen us and make us less fit to enjoy the freedom we had so won. We would develop the same vices against which we are contending now and in our turn would start the game of repression.

The spirit of *satyagraha* was nobly shown by the great and peaceful demonstrations of the 6th of April. That day must remain a red letter day for India. It was the greatest event of the year. Some persons, ignorant of history and Indian tradition, have likened the *hartal* to the general strike after the manner of the West, and have called it the forerunner of riot and bloodshed. But the *hartal* in India is a spiritual weapon, the old time method of showing sorrow, of having grievances redressed by patient suffering. It has from time immemorial been resorted to express grief at a national calamity, sorrow at the loss of a loved citizen. It is not used as a threat nor as a weapon against the forces of law and order. And this was fully shown on the *satyagraha day* when the mighty demonstrations passed off peacefully without the slightest conflict with the police or military.

Some words of Mahatma Gandhi have been distorted to mean that the *satyagraha* movement was the cause of the disturbances in India. Fellow delegates, I say most emphatically that this was not so. Neither *satyagraha* nor the *hartal* was the cause except in so far as they greatly displeased the authorities and made them provoke the people. There was no civil disobedience of laws in the Punjab. *Satyagraha* flourished more in other parts of the country and yet there was no disturbance there. The *hartal* of the 6th April did not cause any breach of the peace. It was only after two popular leaders<sup>11</sup> of this city had been suddenly deported and Mahatma Gandhi, the most revered Indian of the day, had been arrested, that the passions of the populace broke loose in certain parts of the country. That would have been so even without *satyagraha* or *hartal*. The disturbances were the result of the action of the authorities. They knew fully well, in the Punjab at least, that the consequence of their provocative action would lead to trouble and they took measures accordingly.

The events which followed must be fresh in your memory. Martial

<sup>11</sup> Drs. Kitchlew and Satyapal.

Law was enforced and for long Punjab was almost cut off from the rest of the world. The truth was hidden from us and we had to rely on the one-sided accounts presented by Government for our benefit. Outsiders were not permitted to enter the charmed area, even Mr. Andrews<sup>12</sup> being turned out of the province. Within a few days of the declaration of Martial Law the All-India Congress Committee demanded a full and impartial enquiry, and a little later appointed a sub-Committee to conduct an enquiry.<sup>13</sup> This sub-Committee laboured for months and collected a great deal of evidence. It was hoped to present this evidence to the official Committee which had been announced.

The appointment by the Government of India of Lord Hunter's Committee<sup>14</sup> was most disappointing but we waived our substantial objections to it and decided to co-operate provided only full facilities were given to us to represent the people's case. At the earliest possible opportunity we urged upon the Government that the presence of the Punjabee leaders, who were in jail, was necessary for a fair enquiry. For many days we were in frequent communication with the Punjab Government and we were led to believe that our requests were being favourably considered by them. We refrained from going to the Press in order to avoid embarrassing the Government and waited patiently for their answer. That answer

<sup>12</sup> Mr. C. F. Andrews, Journalist, was a close associate of Mahatma Gandhi.

<sup>13</sup> Refers to the Congress Sub-committee which was appointed in November, 1919, to conduct a non-official enquiry into the disorders of the Punjab. The Sub-committee which consisted of Mahatma Gandhi, Pandit Motilal Nehru—replaced by Mr. M. R. Jayakar after he became the Congress President—and Messrs. C. R. Das, and A. Tyabji, submitted their report to All India Congress Committee in March, 1920. While critically examining the administration of Sir Michael O'Dwyer, the Committee stated that "he invited violence from the people so that he could crush them."

<sup>14</sup> Refers to Lord Hunter's Commission which was appointed by His Majesty's Government to enquire into the causes of Punjab disturbances. The Commission submitted their report in May, 1920, which was in two parts—the Majority Report, signed by the five European members, and the Minority Report, signed by the three Indian Members.

The Commission considered the *Satyagraha* or Civil Disobedience movement responsible for undermining the law-abiding instincts of the population at a time when these instincts were strained to the uttermost by economic distress, war weariness, anxiety as to the political future of India, apprehension as to the Turkish peace terms and agitation against the policy of the Government of India in pressing forward and passing the Rowlatt Act.



came on the eve of the Hunter Committee's arrival in Lahore. You must have seen the correspondence subsequent to this and our sub-Committee's statement which have already appeared in the papers, and I can add but little. I would only point out to you that we tried to meet the Government as much as possible. We modified our original request for the release of all the leaders during the enquiry and agreed to the presence of only one or two of them at a time in custody before Lord Hunter's Committee while evidence relating to them was being given. That was all we wanted and which the Government finally refused to give us. It was not an extravagant request. Even criminals have a right to be present in court during their trial. The Punjabee leaders are not being tried in the technical sense but their actions are being judged, they are being attacked by official witnesses and much of the blame and responsibility for the disturbances is being cast on them. Yet they were not allowed the privilege of the meanest criminal, although the officials of Government who are as much on their trial and have at least as much to answer for, have had the fullest opportunities of appearing before the Committee and conducting their case. Some of these officials have even been allowed the advantage of giving evidence *in camera*. After the most anxious consideration the sub-Committee came to the conclusion that "if it was to discharge the trust laid upon it, if it was to vindicate the national honour and the honour of the great Punjabee leaders, if it was to see truth and innocence established, it could not possibly engage in an enquiry in which the people's party was so heavily handicapped." I feel confident that you will approve of and endorse the action your sub-Committee took, and trust to its judgment in taking all necessary steps to obtain justice.

Meanwhile Lord Hunter's Committee has pursued the even tenor of its way, roused occasionally by some particularly callous official admission. Their findings can but be *ex parte* decisions, based on the evidence of one party only. The other side of the shield will be presented to you by the commissioners appointed by your sub-Committee who have strenuously laboured to collect and sift the evidence for the people. I do not overlook the fact that the proceedings of your commissioners are in the legal sense as *ex parte* as those of Lord Hunter's Committee. There is, however, this to be said that your commissioners have the additional advantage



of considering the evidence given before the Hunter Committee. They have for good reasons deferred publishing their report and the evidence on which it will be based and this Congress will not have the advantage of having their considered opinion on the Punjab occurrences before it. This has also considerably handicapped me as in the absence of your commissioners' report, it is somewhat difficult for me to deal with some aspects of Martial Law.

But whatever findings the commissioners appointed by the Congress sub-Committee may arrive at, the central facts of the recent tragic events have now become so crystallised as to enable us to form an adequate idea of the true nature of the horrors through which the Punjab has just passed. These central facts are now matters of common knowledge and emerge clearly above the few controversial points which we may safely leave to our commissioners. What we in this Congress are concerned with is not so much the fixing of individual responsibility for particular acts as the ascertainment of the spirit which runs through them all. I shall now by your leave touch on some of the main incidents and broad features of the occurrences which clearly indicate the spirit with which the people on the one side and the administration on the other were actuated.

I shall take the case of Amritsar which stands out more prominently than any other as affording in itself a complete illustration of the spirit on either side.

The people of Amritsar observed the 6th of April in the true *satyagraha* spirit. So they did also the 9th April, the *Ram Naumi* day, and Muhammadans gladly and eagerly joined their Hindu brethren in celebrating the festival. There was no violence, no threats, and the processionists played the English National Anthem in honour of the Deputy Commissioner. That showed the psychology of the people of Amritsar on the *Ram Naumi* day, Hindus and Moslems observing the festival together, and both joining to do honour to the King-Emperor. The next few hours brought a strange transformation. The bazaars were filled with mourning and the crowds that had rejoiced the night before, discarded their turbans and shoes in sorrow for they heard that two of their loved leaders had been suddenly deported. And, after the old Indian fashion, they went unarmed and bare-headed towards the Deputy Commissioner's house to pray for the release of their leaders.

They were fired at, some were killed and a number wounded. But I shall not here deal with the circumstances of or the necessity for this firing. Again the temper of the crowd changed, and as is the way with crowds, it rapidly went to the other extreme. The passion for vengeance took possession of it and some parts of the mob committed those excesses for which we Indians cannot but hang our heads in shame. Whatever the treatment they had been subjected to, whatever the provocation offered, nothing can justify the murders which they committed, the shameful assault which they perpetrated on a defenceless woman, the arson and plunder of which they were guilty.

Yet again the mood changed. After two or three hours of madness, the people, or rather such of them as had been guilty of the outrages, recovered control of themselves. They saw the folly of their doings and, without the intervention of the police or military, themselves stopped the destruction.

Such was the behaviour of the people of this city on those fateful days. The psychology of a crowd is a difficult thing to fathom, but I cannot but think that the history of those days would have been differently written if an attempt had been made to appreciate the view point of the people.

Let us now consider some of the doings of the officials and the spirit which actuated them. They did not appreciate the inner significance of *satyagraha* or the *hartal*. To them it was all a vast conspiracy, the fore-runner of a second mutiny. They did not care to see what troubled the people, they did not search for the causes of this mighty movement. They looked upon the closing of shops and the meetings and the demonstrations as a personal insult to them. Even the fraternisation of Hindus and Moslems was anathema, an act in the great conspiracy. We all know what it is in this country for a body of men to walk bare-headed and bare-footed. It is the sign of deep grief, a token of a great calamity. But our rulers neither understand nor care to study the feelings and emotions of those whom they look upon as a subject race. In his evidence before Lord Hunter's Committee, Mr. Miles Irving, who was Deputy Commissioner of Amritsar at the time, was asked about the people who were proceeding to his house on the 10th. He stated: "Yes, they were coming to my house, I understood. They were coming not to make any ordinary protest. When



people come, they come properly clad, but these men had put off their *pugrees* and shoes and they intended violence."

*Question*<sup>15</sup>: "It might have been the sign of mourning?"

*Answer*: "If it was mourning, it was violent mourning."

So, Mr. Miles Irving, after a life-time spent in the Indian Civil Service, thinks that the taking off of turbans and shoes is a sign of coming violence. Ignorance of the habits of a people is never excusable in one whose duty it is to govern them. It becomes criminal when it leads to grave consequences.

The sudden deportation of Drs. Kitchlew and Satyapal was a typical act of our administrators. Having convinced themselves that there was revolution in the air, that conspiracies were being hatched, that the wonderful calm of the 6th and 9th of April hid strange currents underneath, they took the only step which appeals to the mind of a bureaucrat. They knew that this would greatly upset the people, they knew that there might be trouble, but what matter? Could they not crush them with the "ample resources" at their disposal? It did not strike them that the people could be reasoned with or could be conciliated. Nor did they think of having recourse to the ordinary law courts of the country. They do not believe in the intricacies or the delays of the law. They believe in making themselves the judges and meting out swift and stern justice to their opponents.

But saddest and most revealing of all was the great tragedy which occurred here on the *Vaisaki* day. No Indian and no true Englishman can hear the story of the *Khuni Bagh*, as it is now aptly called, without a sickening feeling of horror. Our friend Mr. C. F. Andrews, to whom this Province and our country is so much indebted, has described it, "as a cold and calculated massacre." He says:

"I have gone into every single detail with all the care and thoroughness that a personal investigation could command and it remains to me an unspeakable disgrace, indefensible, unpardonable, inexcusable."

Such is the verdict of an Englishman. What words, fellow delegates, can I use to express your feelings and mine whose kith and

<sup>15</sup> That was humbly suggested by Sir Chimanlal Setalvad.



kin were mercilessly shot down by the hundred in cold blood? Well may we grieve in the words of the Persian poet:

کردید وطن فرقه اندوه و محن وای - ایوای وطن وای  
 خیزید روید از پی تابوت و کفن وای - ایوای وطن وای  
 از خون جوانان که شده کشتم درین راه - انگیز طبق ماه  
 خونین شده صحراؤ تل دشت و دمن وای - ایوای وطن وای

(Our country is flooded with sorrow and woe,  
 O, for our land woe!  
 Arise and for coffin and cerements go!  
 O, for our land woe!  
 With the blood of our men killed in this pursuit  
 The moon shines red;  
 Hill, plain, and garden blood-red glow;  
 O, for our land woe!)

The facts of this incident are before you, they have largely been admitted by the authorities. But I am not aware of any condemnation from the authorities. I do not know of any high official who has protested against this grim occurrence. That is a revelation of official mentality which staggers me. General Dyer, the author of the deed, has almost boasted of his achievement. He has sought to justify it. To him it was a "merciful act" to fire without warning on an inoffensive crowd because it might have made fun of him if he had refrained from doing so. He admits that he could have dispersed it without firing but that would have been derogatory to his dignity as a defender of law and order. And so, in order to maintain his self-respect, he thought it his duty to "fire and fire well" till his ammunition was exhausted and 2,000 persons lay dead and wounded. There ended his duty. It was none of his business, he tells us, to look after the dead and wounded. It was no one's business. The defenders of law and order had won a great victory, they had crushed the great rebellion. What more was needed?

This is the deed which received the benedictions of Sir Michael O'Dwyer. This is the deed which has been defended by official after official before Lord Hunter's Committee. The plea of necessity is raised, the plea that the massacre produced a good effect

on the surrounding districts. We have heard of these excuses before when Lovvain was razed to the ground, when atrocities were committed at Dinant and Termonde. For these crimes against humanity the ex-Kaiser and his underlings are going to be tried. But General Dyer is secure. His late chief has blessed him and his colleagues in the civil and military administration of this country stand by him and applaud his deed.

The shooting in the Jallianwala Bagh was not the only feat which General Dyer performed. His subsequent conduct was no less revealing of his perverted state of mind. He tells us that he "searched his brain" for a new punishment, a new terror for the people—something, as General Hudson put it in the Imperial Council, to "strike the imagination." And the punishment that was devised did credit to General Dyer's ingenuity and ferocity. It was worthy of the days of the inquisition. All Indians who happened to pass through a certain lane were forced to crawl on their bellies like worms. This was the punishment meted out to all innocent and peaceful men who went that way. And why? Because some hooligans had attacked Miss Sherwood in the lane some days before. No better methods could have been devised to humble the people to the dust.

On one of the other measures taken in Amritsar by General Dyer—the flogging in public places, the enforced sallaming, the cruel treatment of the best and most respected citizens—I shall not say much. They all tell the same tale of brutal terrorism, the attempt to crush the spirit of the people.

Then we come to Lahore. General Dyer was not the only apostle of this cult. There were many others who tried to rival his exploits in the other districts under Martial Law. Lt.-Col. Frank Johnson, the expert from Bechunaland, pursued the policy of "thoroughness" in the Lahore area. A "false and malicious" rumour that the Government intended to interfere with the marriage customs of the people was contradicted by an official communique from Simla and the contradiction was given due publicity. The rumour was set down as a base lie and a Mohamman marriage was arranged in a village not far from Lahore. It so happened that the whole marriage party, including the bridegroom, the priest and the guests, were flogged for having dared to assemble together during the Martial Law days. Col. Johnson has now been pleased



to express his regret for this flogging and to tell us that it was due to the absence of tact in the official concerned. He himself exercised this "blessed virtue" by arresting 500 students and the professors of the Sanatan Dharma College and confining them in the fort because a Martial Law notice was damaged by some unknown person. He welcomed the opportunity of doing so, he "was looking for it." To him a walk of 16 miles daily for the students for three weeks in the scorching Lahore sun of April and May was no hardship. It was "ordinary physical training of a mild form." But perhaps the most noticeable example of the tact and mentality of Col. Johnson was his order prohibiting more than two Indians from walking abreast. He tells us: "If more than two natives come and do not give way to a European, that is likely to lead to breach of the peace."

*Question:* Who would commit the breach of the peace, the European?

*Answer:* Undoubtedly.

*Question:* You think he would be justified in doing so.

*Answer:* Certainly.

And yet we are told of equal partnership in the Empire and are asked to rejoice over the peace which has given this to us!

In Gujranwala Col. O'Brien held sway, serene in the knowledge that he could do what he wished without let or hindrance. The Chief Secretary of the Punjab Government had assured him, even prior to Martial Law, that his actions would be subsequently validated. This simple fact furnishes a more illuminating commentary on the new Indemnity Act than all the learned arguments of Sir George Lowndes in the Imperial Legislative Council. We can now understand the wholehearted support given to the measure by the Hon'ble the Chief Secretary to the Punjab Government and appreciate the wisdom of the provision in the Act which throws on the complainant the burden of proving want of good faith in the accused official when he is armed with a certificate from a Secretary to the Government.

One of the steps taken by Col. O'Brien on the assurance of the Chief Secretary was to arrest Gauhar Singh, a lambardar, aged 60 years. Col. O'Brien stated:

"Gauhar Singh himself had committed no offence but his two



sons were wanted by the police and they were not forthcoming and that was why their old father was arrested. He told us that he did not know where his sons had gone. An order was also passed confiscating his property. The order stated that until the arrest of Gauhar Singh's sons his property would be confiscated, that he be dismissed from the post of lambardar, and any one touching his property or cutting his crops would be shot."

No comment from me is necessary.

In Kasur, Capt. Doveton evolved fancy and novel punishment for the people and sought to teach them how to observe the ancient customs of India by touching the ground with their foreheads. He also had men stripped and flogged in the presence of prostitutes. His brother Lt.-Col. MacRae meanwhile amused himself by having school boys flogged in public in order to set an example to all evil-doers. The bigger boys were picked out at random, perhaps because they could bear the whipping better. They were not guilty of any offence, "It was their misfortune," Col. MacRae tell us, and I take it that the punishment he awarded was in good faith.

Besides the attempt to terrorize the people, the Punjab officials aimed a blow at the most valuable asset of our political life, the union between Hindus and Mohammadans. You are aware, fellow delegates, of the pathetic scenes of fraternisation between Hindus and Muslims which took place during the recent disturbances at Delhi, Lahore and other places accompanied with shouts of *Hindu Musalman ki Jai*. These expressions of fellowship in a common trouble were treated by the Punjab officials as heinous crimes amounting to open rebellion and waging war against the King, and a new offence was created which was defined as "fraternisation of Hindus and Mohammadans against the Government by law established." One of the most shameful acts of the Martial Law authorities was to ridicule the Hindu-Muslim entente publicly in various ways. The admission of Hindus to the Mohammadan mosques and of Mohammadans to the Hindu temples, the drinking of water or *sherbet* from out of the same glass by Hindu and Mohammadan were unmistakeable signs of a far deeper union of the two than could be looked upon with equanimity by those who were

interested in keeping them apart. And an attempt was made under official inspiration during the closing days of Martial Law to found separate political associations or *Sabha* for Hindus, Moham-madans and Sikhs. I do not know what progress has been made in this direction but I trust that my fellow countrymen of all communities will refrain from swallowing this fatal bait.

Such, in briefest outline, is the story of the Punjab. The responsibility of Sir Michael O'Dwyer for much that occurred here is admitted and established beyond doubt. It would appear that he was striving to make the Punjab a kind of Ulster in relation to the rest of India, a bulwark of reaction against all reform. "We now seem to be drifting into what is known as Birrellism in Ireland," he complained, "trucking to the extremists, encouraging the idea that we are going to hand over the administration to them." And even in his memorandum on the reforms he could not help lamenting that the Punjab politicians, "hitherto quiescent, were encouraged to assert themselves, and to come into line with other Provinces."

But what shall we say of Lord Chelmsford?<sup>16</sup> He must have known, or ought to have known, what was happening in the Punjab. The Congress Committee repeatedly drew his attention to it. Did he seek to interfere or cut short the agony? Has he received or considered any representation from this afflicted province presented to him from any sources which are not strictly official? Has he shown us any sympathy? Has he even been into the heart of the province to acquaint himself by personal enquiry on the spot concerning the tragedies which have taken place? We have not even heard that his "heart has bled for Amritsar." Lord Chelmsford occupies a very exalted position. He has received that position at the hands of his King and as a trust from the English people. How has he served his King and fulfilled this trust? Has he faithfully and adequately discharged his duty to his King and to his fellow countrymen by his persistent refusal to listen or to interfere, by his aloofness and by his absence from the scene of these happenings, when hundreds of His Majesty's subjects were done to death by the military and thousands put to shameful indignity?

Englishmen, I believe, are proud of the justice of British rule and zealous of their reputation. May I not ask them to consider

<sup>16</sup> Viceroy of India.



whether Lord Chelmsford has shown himself as an active guardian of their honour and worthy of the trust which they had reposed in him? Indians seek for justice at the hands of the British democracy. Will they tolerate this "frightfulness" in India and shield the authors of it? That is the acid test of British policy in India. On the answer to that depends the future goodwill of the Indian people.

Fellow delegates, I have ventured to trespass on your time to a considerable extent in dealing with the Punjab and other matters which have acquired a special significance on account of the recent disturbances. Much has of late been said and written about the Punjab, much still remains. But the lessons which the crowded events of the year have to teach us and the English people are clear. To us they point to the path of steadfast endeavour, the path of sacrifice and patient ordeal. That is the only way to reach our goal. To Englishmen they teach the oft-repeated truth that tyranny degrades those who exercise it as much as those who suffer under it. And so it is that England, of old the champion of liberty, assumes a different guise in parts of her own dominions. England went to war to fight for the freedom of small nationalities, and yet a big nation under her sway continues to be unfree. In Belgium the German doings were condemned, but in India we still have the pure milk of Prussianism. And the man governed by the Prussian idea is much the same whether he is in the west or in the east. The logic of force is the only argument which appeals to him; military necessity justifies all severities. The object is always to strike terror and an act however "frightful" appears to him "merciful". Ordinary morality and humanity do not influence him and cruelty itself becomes laudable. It is for England to learn the lesson and put an end to conditions which permit these occurrences in her own dominions. If our lives and honour are to remain at the mercy of an irresponsible executive and military, if the ordinary rights of human beings are denied to us, then all talk of reform is a mockery. Constitutional reform without free citizenship is like rich attire on a dead body. Better to breathe God's free air in rags than be a corpse in the finest raiment.

I shall now proceed to consider the new Reforms Act which has just been ushered into an expectant world after much travail and bitter controversy. We have been told by its sponsors in Parliament that it is a great measure, unique in English history, and that it



gives us extensive powers. Some of our countrymen have welcomed it with open arms, others have condemned it. It is for this Congress now to consider it and formulate the country's verdict.

It has to be remembered that the situation which this Congress has to deal with is very different to what it was when the Special and Delhi Congress met last year. Those Congresses had various schemes and proposals before them and it was open to them to accept such as appealed to them in the best interests of the country and reject others. The Montagu-Chelmsford proposals have now blossomed into an Act of Parliament and we must approach its provisions with all the respect due to the expressed will of Parliament which has been assented to by the Sovereign. The passing of the Act and the prospect of its being put into operation at an early date impose upon us, here assembled, the duty of examining its provisions with a view to laying down the policy for the country and the working of the electoral, political and administrative machinery, old and new. It does not, however, impose upon the Congress the duty to accept nor does it confer upon the Congress the power to reject the measures which Parliament has decided to introduce and carry out. In my humble opinion neither the report of the Joint Parliamentary Committee nor the proceedings of Parliament when it enacted the Bill into law furnish any reasons for the Congress to reconsider and revise the verdict it gave last year on the true requirements of the country. In certain respects those requirements have been partially met, in others they have not been given the weight due to them either for reasons which do not appeal to us or for no reasons at all. The Act is not based on the wishes of the people of India and its provisions fall short of the minimum demands made by the Congress. But let us not belittle the good that the Act does us. We must recognise that it gives us some power and opens out new avenues of service for us which had hitherto been closed to Indians. I venture to think that our clear duty in those circumstances is to make the most of what we have got and at the same time to continue to press for what is our due. As Mr. Ramsay MacDonald has said:

“Take advantage of whatever reforms are introduced into the Government of the country; lay down a fuller and a juster programme for the nation and let every one concerned know that

you consider yourselves bound by none of the provisions to which you have taken exception, and go on using your influence to get what you want.”

Mr. Montagu has laboured strenuously for us and we must express our appreciation of his work and his sincere desire to advance our national aspirations. He has expressed the apprehension that agitation would not hasten to the transference of power but might delay it. Lord Middleton in the House of Lords has gone further and declared that “the continuance of agitation in order to obtain further concessions would be absolutely fatal to the future of India.” We cannot share Mr. Montagu’s apprehensions because of the faith in us, and as for Lord Middleton’s warning we may ignore it in the assurance that the future of India does not rest in his Lordship’s hand. In the course of the same debate Lord Meston<sup>17</sup> was able from his own personal experience to assure the House of Lords that the agitation in India is only evidence of something deeper. The spirit of nationalism cannot rest content unless all our demands are acceded to. Therefore, I would beg of you to work the new reforms, utilise them for the betterment of the country and continue to press and agitate for our full demands.

The Act, as I have said gives us some power, but it does not give us free citizenship or the power to check the misuse by the executive of the functions of law and order. It ignores the insistent demand of the country for a Declaration of Rights.<sup>18</sup> This demand was clearly formulated by the Special Congress at Bombay and it was

<sup>17</sup> Lt. Governor of United Provinces of Agra and Oudh.

<sup>18</sup> The following is the Resolution regarding the declaration of Indian Rights which was moved by Pandit Gokaran Nath Misra, on the 31st August, 1918, at the Special Session of the Indian National Congress, held at Bombay.

“The Government of India shall have undivided administrative authority on matters directly concerning peace, tranquillity and defence of the country, subject to the following:

That the Statute to be passed by Parliament should include the Declaration of the Rights of the People of India as British citizens:

(a) That all subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal or administrative law in force in the Dominions, whether substantive or procedural, of a discriminative nature;

(b) That no Indian subject of His Majesty shall be liable to suffer in liberty, of life, property, or of association, free speech or in respect of



reiterated at Delhi last year. Subsequent events have but emphasised the necessity for it. No constitution can meet our needs unless it is accompanied with a guarantee and a clear declaration of our elementary rights which have recently been so ruthlessly violated in the Punjab. No Indian can be blind to the fact that the protection of our fundamental civic liberties is a matter of the most urgent consequence. No statesman can shut his eyes to the supreme moral necessity of securing the faith of the Indian people in the inviolability of their rights of citizenship.

Our demand for a Declaration of Rights was placed before the Parliamentary Joint Committee. It was ably pressed before them by our deputation, but the Committee did not give it even the courtesy of a brief notice in their report. We are thus left in the dark as to the reasons why this most natural demand has not been acceded to.

Without these rights, as some of the most distinguished publicists in England have stated recently in a manifesto, "British freedom is a mockery." It is obvious that all these traditional rights have been set at nought in India by the combined operation of the Indian D.O.R.A., the numerous repressive measures on our statute book and the cult of Martial Law.

History teaches us that wherever the liberties of a people have been placed at the mercy of an executive possessing the power to enact all the law wanted, the advent of self-government has been preceded or accompanied by a statutory declaration of rights. This is what we find in most of the continental constitutions of Europe and in the American constitution. Even in respect of India, the British Parliament has in the past expressed a desire

writing, except under sentence by an ordinary court of justice, and as a result of lawful and open trial;

(c) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary court of justice;

(d) That the Press shall be free, and that no licence or security shall be demanded on the registration of a Press or a newspaper;

(e) That corporal punishment shall not be inflicted on any Indian subject of His Majesty, save under conditions applying equally to all other British subjects."

—Reproduced from the proceedings of the Special Session of the Indian National Congress, held at Bombay in August 1918; pp. 57-8.



to protect the fundamental liberties of the people. As early as 1833, when Parliament first set itself to reconstitute the Indian legislature, it specifically limited the power of this body by a historic clause, the full meaning of which has often been ignored by the Indian Government and the Indian courts. The Indian legislature, it declared, is to have no power "to make any law affecting the authority of Parliament or any part of the ancient laws of the constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom," has been to ignore the implications of the limitation of the Indian legislature. The Congress has rightly, therefore, been on its guard against this danger which lay in the proposals for reform. In considering these proposals and in suggesting whatever the scheme of reforms may be, it should include as an indispensable part thereof a Declaration of Indian Rights. Judging from Indian conditions alone, it is imperative for this Congress to state, that without a repeal of the existing repressive laws and a guarantee of the future inviolability of our civic rights, no reforms in the constitutional machinery of the country can be regarded as satisfying our immediate requirements. They will not lessen the risks or the rigours of any future reign of terror, that might at any time be inaugurated in the country by a panic-stricken executive.

The joint Committee of the Houses of Parliament have, no doubt, made improvements in some of the provisions of the original Bill. But, as they themselves declare, they have definitely accepted the substantial parts of the Bill and of the scheme of the Montagu-Chelmsford Report which it embodied, as conceived in the spirit and as interpreting with "scrupulous accuracy" the policy of His Majesty's Government, announced on the 20th August, 1917.<sup>19</sup> The Congress at Calcutta in 1917 pronounced the country's view

<sup>19</sup> The announcement of 20th August, 1917, which was in response to the Congress-Muslim League Scheme, is embodied in the form of an answer to a question in the House of Commons by the Secretary of State for India. It lays down, *inter-alia*,

- (1) The increasing association of Indians in every branch of the administration;
- (2) The gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire.

on the policy of this announcement, the special Congress in Bombay in August 1918 voiced our opinion on the Reform Report scheme, while the Delhi Congress in December last, at the conclusion of the great war, declared the demands of the country for freedom, justice and self-determination. But at every stage of evolution of this constitutional enactment, the right of the people of India or of the Congress to have the guiding voice in the settlement of their own self-governing institutions has not only been ignored, but has been definitely declared not to exist.

The Joint Committee of Parliament who, it was hoped, would improve the spirit of the Bill, took as narrow a view of the scope and policy of the Bill as the Government of India desired them to do in their latest representations. They have no doubt endorsed cordially the policy of the eventual realisation of responsible self-government in India, but they have denied that India is at present fit for it and they have declared that the announcement did not give any promise of even "the grant of partial responsibility" at present. They have also repudiated our demand for the application of the principle of self-determination. The Bill seeks to provide, according to the Joint Committee, the solution for the problem enunciated in the declaration of His Majesty's Government of the 20th August, 1917, which is described to be "to design the first stage in a measured progress towards responsible government." The nature and scope of this first stage, they say, have been misunderstood by the critics of the scheme. "Its critics forget," we are told, "that the announcement spoke of a substantial step in the direction of the gradual development of self-governing institutions, not of the partial introduction of responsible government; and it is this distinction which justifies the method by which the Bill imposes responsibility both on Ministers to the Legislative Council and on the members of the Legislative Council to their constituents, for the results of that part of the administration which is transferred to their charge."

The plan proposed in the original Bill was to empower the Governor or Governor-General to certify what he deemed essential proposals of legislation or essential supplies and to get them enacted or passed through the machinery of an official bloc. The machinery was to consist of a Grand Committee in the provinces and of the Council of State in the Central Legislature. This plan was found so reactionary and objectionable that the Joint Committee rightly



decided on finally abandoning it. This is a matter of some satisfaction to the Congress and its deputation who laid stress on the positively retrogressive character of this part of the scheme. Lord Meston had finally to acknowledge that the institution of Grand Committees would, in fact, reduce in certain respects some of the existing powers of the present Provincial Council. It was indeed believed, until the Joint Committee's Report was actually published that the alternative machinery which would be set up for the purpose of securing emergency or essential legislation or supplies would be a somewhat extended variation of what the Congress actually proposed at the Special Session in Bombay in 1918, viz., that of making temporary Ordinances. The Moderate deputation had, however, expressed their willingness to support the original Grand Committee and the Council of State scheme. The *London Times*, which made a forecast of the report before it was issued, stated the position in the following terms:

“The alternative in contemplation is to give a wider range to the power residing in the Governor-General, in cases of emergency, to make ordinances which have the force of law for a period of not more than six months. During this time, if permanence were deemed necessary, the Bill would again come before the Provincial Legislature, and in the event of a second rejection the question would be referred to the Secretary of State, who would take the advice thereon of the Parliamentary Select Committee. This would mean much coming to London of Indian deputations to give evidence or influence opinion, and would operate in a sense against the principle, at the root of self-government, that Indian affairs should be decided as far as possible in India. But the politicians tell us that that principle cannot be too dogmatically applied so long as the Executive can on occasions disregard the Legislature. It is desirable to see the detail of the plan before definite opinions are formed as to its merits compared with the Grand Committee method. But this, at least, may be said: wherever in the British Dominions the Executive is in a permanent minority in the Legislature, essential laws are secured through ordinance-making powers, and the final decision as to their permanence rests with His Majesty's Government in London, usually through the agency of the Secretary of State for the Colonies.”



In spite of such considerations, the Joint Committee finally decided to give power to the head of the Indian executive to enact permanent laws, without even a definite prior sanction by the Secretary of State and subject only to his subsequent ratification or disallowance. The final proposals in this behalf that have now received Parliamentary assent are bound to cause disappointment over the whole country.

Well, ladies and gentlemen, I have dealt with the Grand Committee procedure and then I go on to discuss the question of the powers of the Governor and the Governor-General.

The sum total of the reserved powers in the hands of the Government or Governor-General in respect of legislation is indeed enormous. In the first place, he has the usual power of vetoing a law passed by the legislature. He has also another power given to him under the new Reform Act to stop the progress of a Bill in the Legislature and even prevent the discussion of the whole or any part of a Bill, if he thinks that it affects the safety or tranquility of any part of a province. And then, in addition to all this, he has the power to enact affirmatively, overriding the opposition of the Legislature, any law on the same ground subject to the subsequent sanction of the Secretary of State. We are deeply grateful to Col. Wedgwood and Mr. Ben Spoor and other British friends, who put forward the Congress case before the House of Commons in this and in other respects. The amendment proposed by Col. Wedgwood, to permit at least a free discussion of Bills and motions in all cases by the legislature concerned, was opposed by Mr. Montagu and rejected by the House. In the result, we have only to trust to the extra good sense and statesmanship of the new race of governors we are promised, and to the increased interest in Indian affairs which the House of Commons is expected to evince in future.

If the power of the Governors and the Governor-General in legislation are so wide and unrestricted, their powers in regard to the Budget appear to me on close examination nearly as wide and far-reaching. The decision of the Joint Committee to reject the scheme of separate purses in the provinces is no doubt a just and correct one, based on the practical unworkability and unsoundness of the proposals made, but I cannot say that the alternative procedure they have now settled with the approval of Parliament is in any way consistent with the existence of a really effective

budget right in the Legislative Council. The operative part of the new scheme is as follows:

“They advise that, if the Governor in the course of preparing either his first or any subsequent budget finds that there is likely to be a serious or protracted difference of opinion between the executive council and his ministers on this subject, he should be empowered at once to make an allocation of revenue and balance between the reserved and transferred subjects, which would continue for at least the whole life of the existing legislative council.”

It will be remembered that it is the power not to “direct” but to influence and eventually to control the policy of reserved subjects, through the Budget, that was all along demanded by us and was believed to have been conceded by the Reform scheme. In this matter there existed no difference of opinion whatever between the several sections of progressive Indians.

Fiscal autonomy in its strict sense has reference to the tariff and customs arrangements by which the Government regulates the commerce of the country and also raises revenue out of the country trade. It is in respect of this that we have long claimed our right to levy duties or impose restriction in the interests of India’s well-being and to be free from the dictation of the Imperial Government so often made in the interests of British capital and commerce. Whether anything approaching this right is likely to be secured by the recommendations of the Joint Committee has to be judged by the following passage of their report:

“Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India’s fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear . . . In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention when it does take place, should be limited to safe-guarding the inter-



national obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

Anxious as I am to commend the just and generous spirit in which the Joint Committee have tried to solve these questions, I am unable to regard their recommendation as anything more than a pious hope. It is clear that unless and until we get responsible government real fiscal autonomy cannot exist.

The Congress demand for the realisation of responsible government within a definite time-limit was not acceded to, when the Montagu-Chelmsford scheme was framed, and in its place there was provided a series of enquiries at the end of 5 and 10 years respectively for the further transference of provincial subjects to popular control.

Perhaps the most serious omission in the Act as finally passed by both houses, is that it fails to provide for any transference of administrative or political powers to the representatives of the people in the Central Government. Except for the addition of two Indian members to the Viceroy's Executive Council and an expansion of the Central Legislature into chambers with a preponderance of elected members, the powers and functions of the Governor-General in Council in all matters are maintained as effectively as they have been till now. Even on the narrow principles laid down by the Joint Committee, there existed no ground to withhold the grant of some powers to the Central Legislature in respect of the Budget and in some spheres of administration. It is remarkable and significant too that their report has neither endorsed nor rejected any of the untenable grounds on which the Government of India repeatedly urged that the Central Government should be left entirely untouched. Nor have they dealt with the repeated demand pressed before them by nearly all the Indian deputations that the element of responsibility, the keystone of the new fabric, should be introduced in the Central Government also if the scheme is to have a fair trial.

A feature of the Act which has disappointed me much is the failure to do justice to the political rights of Indian women. I had hoped that Parliament would profit by the lesson of the woman suffrage agitation in England, but they have repeated the mistake



of the Franchise Committee. The justice of the claim was recognised and the flimsiest of arguments were advanced in favour of delay. I trust that Indian men will come to the rescue of their sisters and hasten the day of their enfranchisement.

I now turn to a question of supreme importance to our Mohamadan brothers and, for that reason, of equal importance to all Indians. I mean the Khilafat question. It is impossible for one part of the nation to stand aloof while the other part is suffering from a serious grievance. This was clearly shown when the vast majority of non-Muslims made common cause with the Muslims and abstained from participating in the recent peace celebrations in India. No words of mine are necessary to emphasise the obvious duty of this Congress to give the question its best consideration.

The entry of Turkey in the war was a most momentous event from the Indian Muslims' point of view. They felt no inconsiderable misgivings about their attitude when they saw that an issue had arisen, which seemed to involve a conflict between their loyalty to their King and country and duty to the religious head of the Islamic world. But these doubts were happily shortlived and the Indian Mohammadans cheerfully cast in their lot with the British Empire when the memorable announcement of the 2nd November, 1914, was made by Lord Hardinge, securing to the Mohammadans complete immunity from any interference with their religious feelings. This announcement was followed by similar assurances from other British statesmen. Mr. Lloyd George<sup>20</sup> in his famous speech of the 5th January, 1914, said, "Nor are we fighting to deprive Turkey of its capital or of the rich and renowned lands of Asia Minor and Thrace which are predominantly Turkish in race."

The war has ended in complete victory for the allied arms. Moslem India, nay United India, demands that full effect be given to these assurances.

From matters which require political action I come to that which in its one aspect requires no political or legal action, yet which is one that is fraught with the greatest consequences for good. I refer to Swadeshi. Mr. Gandhi has made this question his own. He would, if he could, revive the ancient industry of hand-spinning and make the country self-supporting. Modern economists may doubt the success of the scheme in this age of machinery. But Mr.

<sup>20</sup> Prime Minister.

Gandhi's scheme is one in which there is no waste and if it becomes popular it bids fair to solve the problem of finding a subsidiary occupation to agriculture. Seventy-three per cent of our population is agricultural. No agricultural population can exist without a supplementary industry. If our women were to take to hand-spinning and if hand-weaving became fashionable as before, without a big organisation and without a large outlay of money, we can not only produce sufficient cloth for our wants but provide the peasantry with an auxiliary industry. I commend the scheme to the attention of the delegates.

But by your leave, I shall say a few words about a friend of India who has suffered because of the love he bore to our country. This Congress needs no words of mine to inform it of the many and varied services, which Mr. B. G. Horniman<sup>21</sup> has rendered to our cause. We are a grateful nation and our friends are not so many that we can afford to forget or lose any of them. Mr. Horniman, as you are aware, was removed from a bed of sickness and without any respite made to leave the country. That is the way of the bureaucracy. Charges of a gross nature have been made against him in the House of Commons<sup>22</sup> and elsewhere. They have been contradicted and proved to be false, but there has been no withdrawal of them, nor has Mr. Horniman been permitted to return. In England he is devoting himself to our cause, but that is poor consolation for us, who miss his wise counsel and his sturdy independence.

But what is our ultimate goal? We want freedom of thought,

<sup>21</sup> Mr. B. G. Horniman, a Journalist, was deported to England in April 1919, under the Defence of India Act.

<sup>22</sup> There was a question put by Col. Wedgwood regarding the deportation of Mr. Horniman in the House of Commons on 21st May, 1919, to which, the Secretary of State Mr. Montagu replied on the subsequent day in his budget speech:

"Government in India have been very patient with Mr. Horniman. He (Col. Wedgwood) cannot have realised that in no case has there been a better example of our reluctance to interfere with mere eccentricities of political belief. But when this gentleman began to use his paper in the middle of riots resulting in loss of life, to spread and to fan the flame, and opened his columns to an accusation that British troops had been using softnosed bullets in the streets of Delhi, when his paper was being distributed free to British troops in Bombay in the hope of exciting disaffection and insubordination, why, then I say it was high time that he left India."

—*Hansard*, Vol. 116 (1919) c. 636.



freedom of action, freedom to fashion our own destiny and build up an India—suited to the genius of her people. We do not wish to make of India a cheap and slavish imitation of the West. We have so far sought to liberalise our government on the western model. Whether that will satisfy us in the future I cannot say. But let us bear in mind that western democracy has not proved a panacea for all ills; it has not yet solved the problems which surround us. Europe is torn as under by the conflict between labour and capital, and the proletariat is raising its head against the rule of the classes. It may be that when we get the power to mould our institutions, we shall evolve a system of government, which will blend all that is best in the east and west. Meanwhile, let us beware of the errors of the west and at the same time cast out the evil customs and traditions which have clung to us. We must aim at an India where all are free and have the fullest opportunities of development; where women have ceased to be in bondage, and rigours of the caste system have disappeared; where there are no privileged classes or communities; where education is free and open to all; where the capitalist and the landlord do not oppress the labourer and the ryot; where labour is respected and well paid, and poverty, the nightmare of the present generation, is a thing of the past. Life will then be worth living in this country, it will be inspired by joy and hope, and the terrible misery we see around us will become a bad dream which has faded away from our memory, on our awakening to welcome the morning sun.

But that day is yet distant. We have still a difficult path, full of obstacles and pitfalls before us. Let us march ahead with truth for our guide and courage our watchward and before long we shall reach the promised land.



## II

# Dominion Status or Independence\*

*Presidential address delivered at the forty-third session  
of the Indian National Congress held in Calcutta on  
29th December, 1928.*

I am deeply grateful to you for the honour you have done me in electing me to preside for a second time over this great national assembly. That honour, signal as it is, carries with it a burden which is none too light, and the bravest amongst us may well hesitate to shoulder it. You are well aware how I have hesitated. But the exceeding kindness with which you have repeated your confidence in me has left me no choice but to bow to your will and to endeavour to shoulder, as best as I can, the heavy burden of guiding a great nation in its struggle for freedom. That very kindness also emboldens me to expect from you every indulgence and co-operation in the high task with which you have entrusted me.

Nine years ago I had the honour to preside over the National Congress. Martial Law with all its grim consequences and implications had just come and gone,<sup>1</sup> and we were preparing for a great tussle with our alien rulers. The trial of strength came soon after and although we did not emerge victorious, the honours of war were with us and the promise of future victory was ours. The great giant, that is India, woke up for a while and the very awakening shook the foundations of British rule. There was a reaction and a

\* The 1928 Calcutta Session of the Congress was considered to be one of the most momentous that had been held in the political history of India. Among the previous sessions, the Congress held at Surat in 1907, at Lucknow in 1916, at Amritsar in 1919 and at Calcutta in 1920 form landmarks in the progress of the national movement. While the Lucknow and Amritsar sessions had achieved a measure of communal and political unity that had hung anxiously in the balance in the months previous thereto, the Surat and the Calcutta special sessions registered the expression of a new life in the national struggle. The importance of the 1928 Calcutta session of the Congress arose from the combination of both these vital factors in the affairs of the Congress. The Calcutta Congress met at a most critical juncture when a National Convention, to bring the various political, commercial and other organisations in the country on a common platform, was held.

<sup>1</sup> For details, see pp. 4-6, *supra*.

relapse; but again we see unmistakable signs of another and a greater awakening, and who will stop India in her forward stride when she is fully awake? Non-co-operation followed Dyerism and O'Dwyerism.<sup>2</sup> Something perilously like these is again in the air, and again we are on the threshold of another great struggle for freedom.

In this struggle we shall unhappily miss many familiar faces, many trusty counsellors and gallant warriors who are no more. We shall miss Hakim Ajmal Khan and Lala Lajpat Rai whose death in the course of the year has deprived India in the moment of trial of two of her most trusted and valiant sons. Another ex-President, who has passed away, was Lord Sinha. Among other national workers who have gone, and I should like to mention specially are Maganlal Gandhi, Gopabandhu Das and Andhraratna Gopal Krishnayya. On behalf of this Congress I offer its respectful condolence to the families of our departed colleagues.

I now proceed to place my views and suggestions before you on the immediate work before us. To prevent disappointment I must at the outset prepare you for a plain matter of fact statement from a plain matter of fact man of the world as it is, and not of the world as it should be. Let me warn you that you will be disappointed if you expect from me anything in the nature of high idealism presented in an attractive setting of word and phrase. Not that I deprecate idealism in the broader sense or am less convinced than anybody else of the supreme necessity of keeping the highest ideal in view, provided you try to live up to it. But pure idealism, completely divorced from realities, has no place in politics and is but a happy dream which must sooner or later end in a rude awakening. However high pitched the ideal may be,

<sup>2</sup> When non-co-operation movement was launched in the country, of all the Provinces, Punjab suffered the maximum at the hands of the alien rulers. Sir Michael O'Dwyer, who was then the Lieut.-Governor of Punjab, was determined to crush the movement at all cost. The climax of the consequences was the tragedy of Jallianwala Bagh on April 13, 1919, at Amritsar, where hundreds of defenceless persons were killed and over a thousand injured. Col. Dyer, guided and assisted by the Lieut.-Governor, was responsible for this bloodshed. "This tragedy, in particular, and the subsequent severities of the regime of martial law in the Punjab engendered a profound and intense anti-British feeling."

—Quoted in Menon's *The Transfer of Power*, p. 27.



and the higher the better, the actual work to be done in the pursuit of that ideal must be guided solely by practical considerations. I am sure that we are all agreed upon that ideal though we give it different names. I am equally sure that we are also agreed upon the only way to achieve it. But the tragedy of it all is that we have so magnified our differences on what to my mind are non-essentials that we are unable to see the wood for the trees. These differences lie at the root of our failures, and are responsible for conflicting schools of thought which have rendered common action impossible. In my humble judgment the whole trouble is traceable to varying tendencies in the different schools to over-rate some and under-rate other aspects of the situation. For instance there is one school of thought which exaggerates our weak points to such an extent as to feel utterly helpless in achieving anything except through the grace and goodwill of the very people who are oppressing and exploiting us. As against this there is the opposite school which takes little note either of our weak points or of the strength of the opposing forces and is ready to dash out full steam ahead on uncharted seas. It will be my humble endeavour to face the stern realities of the situation without blinking and then to suggest what seems to me to be the most suitable line of action for your acceptance.

It is, I take it, the duty of every man to help as far as it lies in his power to make his country fit to live in. But the actual process to be employed in bringing about the necessary change from what is to what should be, depends upon circumstances which cannot be the same in all countries and at all times. The essentials considered in the abstract are always the same, but concrete cases have peculiarities of their own to which no general rule or particular example is wholly applicable.

No two peoples in the world have started from exactly the same point or followed exactly the same course. Indeed the same people have had to change their course from time to time to suit the altered conditions of ever changing situations. We can always profit by the failure of others but seldom, if ever, by their success. The reason is obvious. It is easy to avoid mistakes made by others if we find ourselves in the same or similar predicament in which those mistakes were committed, but it is impossible to bring into existence the potent factors which are entirely lacking in our own. The practical problem before us is to find out how under the conditions in which

we live and with the materials at our disposal we can deliver the goods at the lowest cost of production. False analogies from other countries can only help to confuse the real issue.

To form a true idea of the work before us we have to answer three questions:

- (1) Where do we stand?
- (2) What is our destination? and
- (3) How can we reach our destination?

I shall endeavour to answer these questions to the best of my ability more from the practical than the dialectical point of view.

We have first to make sure of where we stand so as not to lose our bearings after we start. The point has a twofold aspect—one in relation to the Government and the other in relation to ourselves. As to the former we all know that whatever political or civil rights we possess they are in the nature of a conditional gift enjoyable during the pleasure of our rulers. They can deprive us, and indeed have, from time to time, actually deprived thousands of us of those rights at any moment with or without reason at their sweet will by using the vast reserve of arbitrary power which they retain in their own hands. I will not encumber this address by repeating an oft told tale. It is well-known how the present Government has re-inforced and consolidated itself in the political and economic spheres by legislative, executive, and administrative action. It will serve no useful purpose to take you through the long list of repressive and oppressive measures which have been taken in India from the beginning of British rule down to the present day, or to remind you of how, after we were thoroughly crippled, the door to recovery was completely barred against us. We have been persistently denied all opportunity for self-realisation, self-development, and self-fulfilment for which Deshbandhu Chittaranjan Das fought so valiantly in the closing years of his life.<sup>3</sup> We have been scrupulously shut out

<sup>3</sup> British exploitation and British misrule were not the *raison d'être* of the Indians' demand for freedom; they were the obstacles in their way. They could not remove them by co-operation. As Deshbandhu C. R. Das put it "call it Non-co-operation, Satyagraha, Passive Resistance, Obstruction, Civil Disobedience or armed revolution, as you please. There is no other way. Britain will not yield an inch of ground unless she is compelled to do so."



of all effective part in the internal and external affairs of our country.

The solemn promises of responsible government have found fulfilment in that colossal fraud, the Statutory Commission<sup>4</sup> which is now careering along our streets leaving bleeding heads and broken bones behind. Nothing has so clearly brought out the cold callousness of the officials on the one hand, and the utter helplessness of the people to protect themselves on the other, as the progress of this Commission from town to town. To my mind the circumstances attending it are symptomatic of a grave organic infection and not merely of the well-known functional incapacity of the Government. It shows the presence of the toxin of Dyerism in their internal economy. The happenings at Lahore and Lucknow<sup>5</sup> are only mild eruptions on the surface indicating the deep-rooted disease within. We are indebted to the stupidity of the special correspondent of an English newspaper of Calcutta for a glimpse into the real mentality of the members of the Commission which may be taken as a faithful reflection of the mentality of the Government. He says:

“The Cawnpore scenes have apparently put the finishing touch on a psychic impression which the riotous scenes in Delhi had begun. Some of the Commissioners are making no secret of their indignation that such things should be permitted. I feel that if some of the Commissioners had to write their report this week Lord Salisbury’s famous prescription in another matter, ‘twenty years of resolute government,’ would recommend itself much more to their minds than any advance whatever.”

So that the only way to achieve responsible Government for

<sup>4</sup> The announcement in regard to the appointment of the Indian Statutory Commission was made by the Viceroy on 8th November, 1927. Before this announcement it was assumed that the Commission would be of mixed composition but the departure from this respect took the country by surprise which led to a widespread call for boycott. Politicians of all classes immediately determined the opposition to the Commission and a complete boycott of all its surroundings. On 3rd February 1928 *hartal* was also organised to register protest. Also see footnote 6, XXVI, *infra*.

<sup>5</sup> A boycott procession was organised, led by Lala Lajpat Rai on 30th October, 1928, when the Commission reached Lahore. It was alleged that while the procession was perfectly non-violent, some high police officials used *lathis* on the first row of the procession, which included Lala Lajpat Rai and other national leaders. One of the police officials struck Lalaji in the chest which led to his premature demise.

*contd.*

India is to fawn upon the great Commissioners and flatter them with a false declaration of confidence. And the surest way to invite "twenty years of resolute government" is to show your true feelings about the Commission. All I need say is that India will refuse to take responsible government as a reward for servility and will welcome "resolute government"; but whether it will last for twenty years the future alone can decide. This prophet of evil has even dared to envisage the future. He proceeds to say:

"I seemed to sense a vision of realities stark and grim, and catch from the future the tramp of marching men."

These remarks were called forth by the grand boycott demonstration which greeted the Commissioners on their arrival at Cawnpore. It is remarkable that while this correspondent was sending his inspired vision, the Police Superintendent of Cawnpore was writing to the organisers thanking them for the excellence of their arrangements and the absence of any untoward incident. That letter has, I believe, been published in the Press. But the editor excelled the correspondent, as was befitting his superior position, by indulging in a particularly venomous attack, in the course of which he threatened resistance of the Indian demand for freedom to the "last ounce of ammunition." I am sure that if this editor and his correspondent had an ounce of discretion between them both, they would not have so easily given away official secrets. But we must thank them for their timely warning and assure them that we are ready. There can be nothing better than 'resolute government' at this juncture to bring matters to a head.

Our English friends affect to be shocked at these demonstrations. I should have ignored the foolish talk in which they have indulged but a responsible statement has recently been publicly made in this city on the subject by the Viceroy<sup>6</sup>, and I feel that I cannot allow it to go unchallenged. However much one may

At Lucknow for sometime past the local boycott committee were holding rehearsal demonstrations to show their disapproval of the Commission. During rehearsal days there were brutal attacks on the demonstrators by the police. On the 30th November, 1928, when the Commission arrived at Lucknow, the police made a free use of baton and lathi and thus injured hundreds of persons.

<sup>6</sup> Lord Irwin.



regret untoward incidents, the right to hold peaceful demonstrations to give expression to strong public feeling has never been doubted. The demonstrations held after the return of the Commission to India have been characterised as “unmannerly and offensive.” My answer is that such demonstrations must in their very nature, be “offensive” to those against whom they are made, and it is hardly reasonable to expect drawing room manners from a hostile crowd. The Viceroy has uttered two platitudes and a threat. The first is: “However much those who organise such demonstrations may themselves deprecate violence, they are, when it comes to the point, often quite incapable of controlling the forces they have excited.” The second is: “Those who deliberately embarked on a course so crude, so senseless and so dangerous, whatever the object they may mistakenly desire to serve, incur a very heavy responsibility.”

The threat is that “it is the plain duty of Government to take whatever steps it deems necessary to prevent the recurrence of these discreditable incidents.”

I agree with His Excellency on the first platitude and would also agree with him on the second if he could substitute the word “natural” for the words “crude and senseless.” But both platitudes have no relation whatever to actual facts. As regards the threat it was anticipated by the English newspaper a week before; it indicates an early materialisation of “resolute government.” I have already dealt with the latter and have nothing further to add. In regard to the former, I have to point out that it has been established to our entire satisfaction by public statements of responsible Indian leaders, which no amount of departmental enquiry can controvert, that all the violence at these demonstrations was started by the Police, and attempts made by the people at one or two places to retaliate were speedily put down by their leaders. But if a stray missile struck a motor car, one of the occupants of which happened to be a lady, or some men in the large crowds came too near the great Commissioners and waved their black flags in close proximity to their highly respectable noses, is it a matter about which any undue fuss need be made? I am sure that under similar circumstances worse things would have happened in England. I should like to put the following few questions to those who have affected righteous indignation at the happenings at Lahore, Lucknow and Cawnpore:

- (1) Would it be possible in any European country, more specially in England, for a commission of enquiry, which the people looked upon as a national insult, to travel in the comfort and safety enjoyed by Sir John Simon and his colleagues in India?
- (2) Would not all the silken flags and gold embroidered decoration such as were displayed in Butler Park have been torn to shreds and all the beautiful multi-coloured electric lamps, shining on them, smashed to pieces, if any attempt were made in England to entertain publicly, men connected with a mission as highly unpopular among Englishmen as Sir John Simon and his colleagues are among Indians?
- (3) How would any Englishman like his house to be broken into, his guests treated to a sound thrashing and then arrested and imprisoned for a night for making a peaceful demonstration from his own terrace?
- (4) How would an Englishman like to be imprisoned in his own house, for however short a time, for holding opinions against the Government of the day?
- (5) How long would a government last in England which allowed the things mentioned in questions (3) and (4) to happen?

We know that the house of the great nationalist nobleman of Oudh, the Maharaja of Mahmudabad, was surrounded with a cordon of police while his reactionary compeers were entertaining the Commission in a neighbouring park. The Maharaja, as is well known, bravely stands for the boycott of the Commission and has refused to take part in any function given in its honour. Where is the liberty of the ordinary citizen when the premier baron of Oudh, a retired Home Member of the U.P. Government, decorated by it with the highest honours in its gift, can be imprisoned in his own house, simply because he holds an opinion disliked by the Government? Is this anything very different from the "resolute government" foreshadowed by the Viceroy and the English newspaper? It has actually come upon us since.

The recent murder of the police official at Lahore has provided an excuse to those whose minds are already made up, to forge new weapons to destroy the forces of nationalism. It need hardly be said that the crime is to be regretted. Congressmen, whether



belonging to the school of independence or that of dominion status, stand, and have always stood, for a policy of strict non-violence and have given practical proof of the sincerity of their convictions on numerous occasions, including the recent incidents at Lahore, Lucknow, Cawnpore and Patna. It is at present impossible to say whether the Lahore murder had a political significance. But assuming that it had, we cannot shut our eyes to the fact that the real responsibility for such incidents lies on the shoulders of the Government. History teaches us that incidents like these are symptomatic of a condition which can only be dealt with effectively by a wise and radical change of policy, and not by resort to coercive methods which defeat their own purpose and are resisted by the people with all the strength of which they are capable. But the bureaucracy has little use for lessons of history. The orgy of repression has already begun in the Punjab and is likely to extend at no distant date to the other provinces.

Forgive me for taking so much of your time over the Commission. It might well have been completely ignored, were it not for the direct bearing it has on the work before us. It is a portent of evil, but not without the good which comes out of all evil. It has shown us the fine courage of our men, specially the students, their serene coolness under the gravest provocation, their splendid stand against brutal *lathi* assaults with their own empty hands crossed on their chests, their gallant rescues of their comrades and leaders in utter disregard of the injuries inflicted on them. Let those who take this for cowardice try their "resolute government" and they will soon be disillusioned. They will have the satisfaction of shooting brave inoffensive men with their backs to the wall and chests bared to receive the bullet.

Let us now turn to the economic sphere. To have an adequate idea of the continuous exploitation to which we have been subjected, and of the enormous extent of the economic hold acquired by England over us by legislation and otherwise, it would be necessary to review the whole period of the British occupation of India. I shall, however, content myself by reminding you of a few historical facts the accuracy of which cannot be questioned. Besides maintaining the costliest civil and military services in the world at our expense, the solicitude of our trustees, as they delight to call themselves, has been mainly directed to the creation of

markets in India for England's manufactures. This laudable object has been achieved by a number of direct and indirect methods too numerous to be dealt with satisfactorily in the course of this address. It is a long story beginning from the days of the wellknown barbarities committed on the Dacca artisans and continued through period of more refined spoliation till we come to the present day powerful banking, commercial, and industrial combines which are now successfully choking off indigenous enterprise.

But by far the most important economic hold which the Government has acquired over the country by legislation and otherwise is through its manipulation of the currency. It will be tedious to go into the history of this highly technical question, but the fact is now admitted that the present depression in Indian commerce and industry, and the low buying power of the cultivator are due to the action of the Government in forcing up the rupee from 1s. 4d. to 1s. 6d. It has resulted in pinching the over-taxed cultivator of  $12\frac{1}{2}$  per cent in the price of the raw materials produced by him, and giving a bonus of  $12\frac{1}{2}$  per cent to the importer of foreign manufactures into India. If the Government had the interests of India at all in view, it would have reduced the land tax by  $12\frac{1}{2}$  per cent and imposed an import duty of  $12\frac{1}{2}$  per cent on all goods which can be manufactured in this country, including textile goods.

It was left to Sir George Godfrey of the Bengal Chamber of Commerce to discover for the first time the other day that all the authentic records of India's prosperous trade and commerce before the advent of the British were pure legends. In the course of an utterance at the last meeting of the Associated Chambers of Commerce attacking everything Indian, he justified the British exploitation of India using fiction for fact. He said: "If Lancashire is accused of devastating India, Lancashire has equally devastated the English countryside." What a comparison! I presume Sir George Godfrey is in possession of some history of England unknown to the rest of the world which records the fact that the weavers of the English countryside were subjected to the pains and penalties that were inflicted, as proved by European witnesses, on Indian weavers by the East India Company, that the English countryside was compelled to buy Lancashire cloth in the place of homespun; and the further fact that a Cotton Excise Duty was imposed on Lancashire textile while foreign goods were imported free of duty.



His reference to Indian shipping betrays the same fondness for fiction as his reference to textile does. For facts I must refer you and him to the excellent literature that Mr. Haji has published on his harmless and timely bill.<sup>7</sup> Indian shipping was as deliberately sacrificed for the English interest as was India's greatest cottage industry. Now that a belated bill is before the legislature seeking somewhat to stop the continuance of the grave wrong done to Indian shippers by the English monopoly, the monopolists accuse us of attempting radical discrimination and pass a resolution demanding that the legislature shall not have the power to pass that bill.

Not content with distorting history this English merchant prince almost hit below the belt when he suggested that the framers of the draft constitution, now before the country, had sought to disfranchise Britishers. It was his duty before he brought so grave a charge against responsible men to make sure of his facts! He should have known that as soon as the (Nehru) Committee<sup>8</sup> discovered that there was a possibility of a doubt they removed it in their supplementary report<sup>9</sup> which was before the country days before Sir George Godfrey delivered his oration.

It will be clear from what I have said above that the process of forging new chains to keep us in perpetual bondage has gone on simultaneously with a long protracted, ruthless exploitation of our material resources. While, however, the Government has to answer for a great deal, it must be frankly confessed that we cannot honestly acquit ourselves of all blame for our present plight. The strength or weakness of a nation depends upon the strength or weakness of the tie which keeps its component parts together. In our case this tie has not for centuries been very strong and with the march of the new order of things has lost much of what binding force it ever had. There is no overlooking the fact that we are divided into a number of large and small communities, more or less disorganised and demoralised. The Government is undoubtedly responsible for the prevailing ignorance and poverty among the masses and in a very large measure for the growing hostility among the classes. But it certainly is not to blame for the evils

<sup>7</sup> Refers to the Reservation of Coastal Traffic of India Bill. Moved in the Legislative Assembly on 13th September 1928, by Mr. S. N. Haji.

<sup>8</sup> See footnote 16, *infra*.

<sup>9</sup> See p. 63, *infra*.

of our own social system, which has relegated millions of our people as good as ourselves, to the category of untouchables and depressed classes, and has put our women under restrictions which deprive them not only of many natural rights but also of the opportunity to render national service. Nor is the Government solely accountable for all the communal differences which have contributed a dark chapter to the recent history of our own times.

The Committee of the All Parties Conference has dealt fully in its report with the communal problem in India.<sup>10</sup> It has offered a solution which I trust this Congress will accept. The problem before us, however, is a wider and more fundamental one than a mere adjustment of communal differences. It is: what place, if any, religion, as practised and understood today, should occupy in our public life?

Whatever, the higher conception of religion may be, it has, in our day-to-day life, come to signify bigotry and fanaticism, intolerance and narrow-mindedness, selfishness and the negation of many of the qualities which go to build a healthy society. Its chief inspiration is hatred of him who does not profess it, and in its holy name more crimes have been committed than for any professedly mundane object. Can any sane person consider the trivial and ridiculous causes of conflict between Hindu and Moslem, or between sect and sect, and not wonder how any one with a grain of sense should be affected by them?

The aim of all education and progress is to develop the collective instinct in man; to teach him to co-operate with his neighbour; and to make him feel that his individual good depends on the good of society as a whole. Only thus can the selfish and individualistic instincts be suppressed and the energy of mankind be diverted from mutual competition to co-operation for the common good. Religion as practised to-day is, however, the greatest separatist force. It puts artificial barriers between man and man and prevents the development of healthy and co-operative national

<sup>10</sup> The Nehru Committee, in their report, say that the communal problem is primarily the Hindu Moslem problem which has resolved itself in the removal from the minds of each of a baseless fear of the other and of giving the feeling of security to all communities. The report suggests that the only method of giving a feeling of security are safeguards and guarantees and the grant, as far as possible, of cultural autonomy. Method of separate electorate and reservation of seats do not give this security.



life. Not content with its reactionary influences on social matters, it has invaded the domain of politics and economics, and affects every aspect of our life. Its association with politics has been to the good of neither. Religion has been degraded and politics has sunk into the mire. Complete divorce of one from the other is the only remedy.

But this is not all. A strange fatality has been pursuing our political activities from a very early stage. We have never been entirely free from serious differences among those who have taken up the patriotic duty of liberating their country in right earnest and have not winced at any sacrifice in discharging it to the best of their ability. These differences have inevitably set back the hands of the clock and opened the door to disruptive forces. There have been serious splits among the leaders which have spread with lightning rapidity to the rank and file on almost every occasion when a forward move has been taken or even contemplated. We would do well to profit by the lesson of the past lest the inexorable fate which has been pursuing us for the last 20 years or more overtake us again. It is close upon our heels already in the garb of socialism and will devour both complete independence and dominion status if you let it approach nearer.

The brief outline I have given above will show that we stand at present in the thickest part of the wood. We suffer from two sets of serious disabilities—those imposed upon us by foreign rule and those of our own making. It is difficult to stand against the foreigner without offering him a united front. It is not easy to offer a united front while the foreigner is in our midst domineering over us.

The two sets of disabilities together form a vicious circle around us and we stand in the centre, heavily handicapped by one in trying to get rid of the other. We have to break through the vicious circle before we can hope to be out of the wood.

The second question is: What is our destination?

The answer straight and simple is freedom in substance and not merely in form, by whatever name you call it. The Madras Congress has declared the goal as complete independence. The All-Parties Committee has recommended dominion status. I have explained my position more than once but with your permission I shall re-state it here as clearly as I can. To put it in a nutshell

it comes to this: I am for complete independence—as complete as it can be—but I am not against full dominion status<sup>11</sup> as full as any dominion possesses it to-day—provided I get it before it loses all attraction. I am for severance of British connection as it subsists with us to-day but am not against it as it exists with the Dominions.

National freedom unrestricted and unqualified is the natural craving of the human soul. I do not believe that there is a single Indian, be he or she a member of a party or a group, or one completely detached from all parties and groups, who does not love freedom or will not have it. Differences arise only when the question is raised whether it is possible to have and to keep freedom; and it is then that we find opinion sharply divided. There are those who have the faith in them and in their countrymen to answer the question by an emphatic “yes”—and I may at once say that I am one of them. But there are also those who will shake their heads, some from conviction and others in doubt. Complete independence is the goal of the former, dominion status that of the latter. I will not undertake a fruitless enquiry into the relation or want of relation between independence and dominion status. It does not matter to me whether theoretically they belong to the same or different stocks, or whether one is or is not the negation of the other. What matters to me is that dominion status involves a very considerable measure of freedom bordering on complete independence and is any day preferable to complete dependence. I am, therefore, not against an exchange of our abject dependence with whatever measure of freedom there is in full dominion status

<sup>11</sup> Mr. Subhas Chandra Bose, while moving an amendment to the resolution, earlier moved by Mahatma Gandhi, at the third day sitting of the annual session of the Indian National Congress on 31st December 1928, expressed himself in favour of complete independence. Mr. Bose who was not prepared to accept the dominion status, gave the following arguments in his favour:

“What is the fundamental cause of our political degradation? It is the slave mentality. If you want to overcome this slave mentality, you will do so only by inspiring our countrymen with a desire for complete independence. Therefore, I believe that simply by preaching honestly the ideal of independence, even if we do not follow it up by action, we will create a new mentality and bring into being a new generation.”

—Reproduced from the Report of the 43rd Session of the Indian National Congress, 1928, p. 11.

For Resolution, see footnote 18, *infra*.



if such exchange is offered. But I cannot make dominion status my goal as it has to come from another party over whom I have no control. The only way I can acquire such control is by working in right earnest for complete independence. I say "in right earnest" because I know mere bluff will not take me far; it is only when complete independence is in sight that the party in power will be inclined to negotiate for something less. Empty bluff will not carry us to that stage. Solid work and ungrudging sacrifice alone will do it. When that work is done, and sacrifice made, the party having the whip hand will dictate. Whether it is to be dominion status or complete independence will depend upon whether the conditions then prevailing are similar to those of Ireland or to those of the United States of America at the time when each came into what she now has. Meanwhile, there is nothing before us but a protracted life and death struggle on the one side, and continued repression relieved by an occasional dose of undiluted oppression on the other. It follows, therefore, that whatever the ultimate goal, we must be prepared to traverse the same thorny path to reach it. If we are not so prepared, independence will ever be an idle dream and dominion status an ever receding will-o'-the-wisp.

I must here notice another part of the Viceroy's speech from which I have already quoted. He draws a dark picture of the damage that India is "likely to suffer at the hands of its false friends who would guide it towards the morass of independence." The description of "independence" as a "morass" is rather original. It would be more correct to say that we have to cross a morass before we arrive at independence. But the morass surrounds us on all sides and we can arrive nowhere except by crossing it. That being so our friends who support the movement say: why not make for independence pure and unadulterated which depends upon your own effort, however long and arduous, instead of floundering in the direction of dominion status which depends upon the goodwill of Britain. They argue that it will be sheer waste of time, energy, and sacrifice first to struggle in the morass for dominion status and when you find your way barred then to bungle back to the starting point and plunge again into the same morass to struggle for independence. From Lord Irwin's point of view this argument is unanswerable. From my point of view dominion status

is passed on the way to independence, and if it is refused you have simply to press on to your destination which must always be independence. Lord Irwin's argument based on loyalty to the Crown can easily be overstressed. Loyalty is a fine thing but the strain it can bear is not unlimited.

But it is obvious that independence does not mean walking out of the world. If you continue to live in it you must come across others who also live in the same world. It is neither necessary nor possible for the existence of an independent state in the present day world conditions to cut off all political, economic, and social relations with other states. Indeed the more independent you are the more necessary it will be to establish relations all round. When, therefore, we talk of the severance of the British connection we do not mean a cessation of all relations, but such appropriate change in existing relations as is necessary to transform a dependency into a free state. The extent of the change will depend upon the extent of freedom we achieve. If it is dominion status, the change as it is now well understood, will be from a dependency to "an autonomous nation, free and equal member of the British Commonwealth of nations." If, however, it is complete independence, India will stand out of the British Commonwealth of nations and the nature of her relations with Great Britain will be determined by treaty and mutual understanding. In either case, some connection with other nations, including the British, must subsist if we mean to take an active part in shaping our own future and that of the world.

Mahatma Gandhi presiding at the Belgaum Congress said:

"In my opinion, if the British Government mean what they say and honestly help us to equality, it would be a greater triumph than a complete severance of the British connection. I would, therefore, strive for Swaraj within the Empire but would not hesitate to sever all connection if severance became a necessity through Britain's own fault. I would thus throw the burden of separation on the British people."

This was four years ago. Much water has since flown under the bridges. We have striven and striven hard for Swaraj within the Empire but the British people have not so far shown any incli-



nation to help us honestly to equality. All the indications have been to the contrary. Indeed responsible British statesmen have repeatedly declared that full dominion status is yet a far cry. I, therefore, fully sympathise with those who have exhausted their patience and have now raised the cry of complete separation. But let us fully grasp the meaning of Mahatma Gandhi. I am sure he never meant that the moment we felt sure that Britain was not going to give us dominion status we were to declare for independence irrespective of our own readiness to enforce it. He was, to my mind, referring to the time when we acquired what I have described as the whip hand. The time admittedly has not arrived.

In the same address Mahatmaji said:

“The better mind of the world desires to-day not absolutely independent states warring one against another but a Federation of friendly inter-dependent states. The consummation of that event may be far off. I want to make no grand claim for our country. But I see nothing grand or impossible about our expressing our readiness for universal inter-dependence rather than independence. It should rest with Britain to say that she will have no real alliance with India.”

And then comes the pregnant passage which I earnestly commend to your very serious consideration. It runs thus:

“I desire the ability to be totally independent without asserting the independence. Any scheme that I would frame while Britain declares her goal about India to be complete equality within the Empire would be that of an alliance and not of independence without alliance.”

So far as Britain's former declaration of her goal about India is concerned, it is complete equality within the Empire. The scheme prepared by the All Parties Conference and adopted by the conferences is, therefore, in full accord with Mahatmaji's views.

The truth is that we cannot get anything from England except by proving our strength. The way to acquire that strength is to organise ourselves and our resources. Such organisation is as

necessary for those who desire dominion status as it is for those who work for complete independence. That being so the obvious course is to work together up to the point the weakest of us is ready to go. If he is not disillusioned by the time we reach that point, let us leave him there and forge ahead.

I must here ease the minds of those who fear that the moment dominion status is granted to us, we shall use it to throw off British connection altogether. In the speech from which I have already quoted, Lord Irwin said:

“Those in Great Britain who sympathise most warmly with the ideal of India attaining at the earliest possible moment the status of any of the other great Dominions of the Crown, will find the ground cut from their feet if British opinion ever becomes convinced, as some apparently are now endeavouring to convince it, that so-called Dominion Status was only valued by India as a stepping stone to a complete severance of her connection with the British Commonwealth.”

There is no foundation for this apprehension and there is no reason whatever why we should seek complete severance of British connection if we are put on terms of perfect equality with the Dominions. If we are not put on such terms it will not be dominion status; we will not take a colourable imitation. It must, therefore, be clearly understood that dominion status has to be offered and accepted with all its implications, its rights and obligations, which both parties will be in honour bound to respect and uphold. But as Mahatmaji has put it, we “would not hesitate to sever all connection, if severance became necessary through Britain’s own fault.” It is conceivable that we may be driven to separation by the treatment accorded to us by Britain herself, and in that case we shall have precisely the same remedy as the dominions now have.

It will, I hope, now be clear why I say that I am for complete independence and at the same time not against dominion status, if the latter comes without avoidable delay. It is impossible to say which of the parties will have the whip hand at the psychological moment. Great Britain has the whip hand today, and the psychological moment for her to offer, and for India to accept, full dominion status has arrived. If Great Britain will not avail herself of the



opportunity India will have the whip hand to-morrow, and then will come the psychological moment for her to wrest complete independence from Great Britain. No offer of dominion status will then be acceptable.

Objection is taken to the preparation of any scheme of government on dominion lines by us on the ground that it is for Britain, and not for India, to make the offer. It is pointed out that those who enjoy dominion status did not fight for it but achieved it in the course of their struggle for complete independence, the offer having come from Great Britain. I am quite clear in my own mind that substantially the same process will have to be repeated in India if we are ever to have dominion status, and as I have already pointed out, we cannot reasonably accept it unless complete independence is in sight. But I cannot understand why it is not open to us to offer terms to Great Britain, as much as it is open to her to offer terms to us. If the offer is honourable to those who make it as well as to those who accept it, it does not matter to me who is the proposer and who the acceptor. I do not believe that we have among the soldiers of independence a more fearless and selfless patriot and a greater fighter for the freedom of India than Deshbandhu Chittaranjan Das was. Let me recall to your minds the great speech he delivered at Faridpore<sup>12</sup> in which he said that all he needed was a full and fair opportunity for self-realisation, self-development and self-fulfilment. He did not hesitate to make an offer of full co-operation to the bureaucracy if it would only afford that opportunity, show a real change of heart, and guarantee "Swaraj in the fullest sense to come automatically in the near future." That offer was no sign of weakness. It was made in the full consciousness of strength. "If" he declared "our offer of settlement should not meet with any response we must go on with our national work on the lines which we have pursued for the last two years so that it may become impossible for the Government to carry on the administration of the country except by the exercise of its exceptional powers . . . and when the time comes we shall not hesitate to advise our countrymen not to pay taxes which are

<sup>12</sup> Deshbandhu C. R. Das, in a memorable speech (in Bengali) on 2nd May 1925, gave the idea on what terms the Swaraj Party was willing to abstain from their attitude of continuous and constant opposition and to co-operate with the Government. Also see footnote 7, XXXVI, *infra*.

sought to be raised by the exercise of their exceptional powers.”

Those were the words of a statesman, a political philosopher and a determined fighter for liberty, a man who believed in the doctrine of self-reliance which he preached. It was not beneath his dignity to offer a settlement while he was preparing for a great fight. As a matter of fact, Britain has already made an offer of a kind in the most solemn manner she could, by embodying it in the preamble of the Government of India Act.<sup>13</sup> It is true that this offer is utterly inadequate and wholly unacceptable. The proper course is to make a counter offer. This is what the All Parties Conference has done.

A good deal has been said about developing sanctions. On this point I am content to quote Mahatma Gandhi. Commenting on the All Parties Conference's Report he said in *Young India*:

“There is still much diplomatic work to be done. But more than the diplomatic work is that of forging the sanction. Pandit Jawaharlal Nehru truly observed that whether it was Dominion Status or independence, a proper sanction would be necessary if the national demand was to be enforced. Bardoli<sup>14</sup> has shown the way, if the sanction has to be non-violent. The Congress creed has non-violence as its integral part. There is no denying the fact that non-violence had receded in the background before Bardoli. But even as the Nehru report has made an unanimous demand possible, Bardoli has brought back the vanishing faith in non-violence. If, then, we are sure of the sanction, we need not worry whether Swaraj is otherwise spelt Dominion Status or independence. Dominion Status can easily become more than independence, if we have sanction to back it. Independence can easily become a farce if it lacks sanction. What is in a name if we have the reality? A rose smells just as sweet whether you know it by that name or any other. Let us, therefore, make up our minds as to whether it is to be non-violence or violence and let the rank and file work for the sanction in real earnest even as the diplomats must work at constitution making”.

<sup>13</sup> For details, see footnote 5, VIII, *infra*.

<sup>14</sup> Refers to a campaign of non-violent resistance to the unjust enhancement of land revenue by the Government, led by Sardar Vallabhbhai Patel under the guidance of Mahatma Gandhi.



Therefore, our destination is freedom, the form and extent of which will depend upon the time when, and the circumstances under which it comes.

Meanwhile there is nothing for us but to do the work necessary for all forms and all degrees of freedom. That work is one and the same and I now proceed to consider it.

It must be remembered that the same<sup>15</sup> Congress which declared complete independence as our goal, by another resolution invited all parties to confer with its Working Committee to devise a constitution for India based on common agreement. It was then as obvious, as it is now, that no party outside the Congress was prepared to set its goal as high as complete independence from the point of view of its own conception of practical politics. The Congress must, therefore, be taken to have embarked upon the enquiry with full knowledge of this fact. What then was the object of directing the Working Committee to call an All Parties Conference or Convention if complete independence was not merely the goal but the next immediate step? It certainly was not for the mere fun of it. The importance of the Convention and the political value of its agreed conclusions are quite obvious and must have been so to the Congress when it passed the resolution. But the Congress could not, at the time, have any clear conception as to what the next step would be after the All Parties Convention came to decisions. That would depend upon the extent of agreement reached and the nature of the decisions arrived at which could not then be known.

The Working Committee has faithfully carried out the instructions of the Madras Congress and called the All Parties Conference. The remarkable success of these national gatherings, in their endeavour to find the highest common basis for a constitution for India,<sup>16</sup>

<sup>15</sup> Madras Congress of 1927.

<sup>16</sup> The All-Parties Conference appointed a committee under the chairmanship of Pandit Motilal Nehru to determine the principles of a constitution for India and to prepare a report thereon. This Committee in fact prepared an admirable report known as the Nehru Report, on the highest common basis. But the discussions at the All-Parties Conference, which subsequently met again in Lucknow, were inconclusive, and the report was not adopted.

When the All-Parties Conference met again in Calcutta in the last week of December 1928, Jinnah moved certain amendments to the proposals of the Nehru Report which were not accepted. His group refused to participate further in the Conference. A few days later a Muslim All-Parties' Conference was held

is well known. Never before, in the history of our public movements, so many organisations—political, labour, religious, communal, and commercial—as took part in those gatherings have come together on one and the same platform. There can be no doubt that the credit of this great achievement—perhaps the greatest since the days of Non-co-operation—belongs to the Congress which conceived the idea, and more specially to Dr. Ansari<sup>17</sup>, the President of the Congress who never spared himself in carrying it out. The resolutions of the National Convention will come up before you in the course of this session.<sup>18</sup> You will have all the materials before you and it will be your solemn duty to discharge the obligation inherited from the Madras Congress to determine the next step. You

in Delhi and Jinnah, after consulting several Muslim leaders, formulated his “fourteen points” for the safeguards of the rights and interests of Muslims in any future constitution, the main points being that the constitution should be federal in character, a uniform measure of autonomy be granted to all provinces, that there should be a definite and effective representation of minorities in all provincial legislatures and Muslim representation in the central legislature should not be less than one-third.

—Quoted in Menon’s *The Transfer of Power*, 1957, pp. 35-6.

<sup>17</sup> Dr. M. A. Ansari: President of the Congress. Also President of the National Convention.

<sup>18</sup> For the adoption of the Report of the All Parties Conference, Mahatma Gandhi moved the following resolution on 31st December 1928, the third day sitting of the annual session of the Indian National Congress. [The Resolution was adopted]

“This Congress having considered the constitution recommended by the All-Parties’ Committee Report, welcomes it as a great contribution towards the solution of India’s political and communal problems, and congratulates the Committee on the virtual unanimity of its recommendations; and whilst adhering to the resolution relating to complete independence passed at the Madras Congress approves of the constitution drawn up by the Committee as a great step in political advance, especially as it represents the largest measure of agreement attained among the important parties in the country. Subject to the exigencies of the political situation this Congress will adopt the constitution in its entirety if it is accepted by the British Parliament on or before December 31st, 1929, but in the event of its non-acceptance by that date or its earlier rejection, Congress will organise a non-violent non-co-operation by advising the country to refuse taxation and in such other manner as is settled. Consistently with the above nothing in this resolution shall interfere with the carrying on, in the name of the Congress, of propaganda for complete independence.”

—Quoted in the Report of the Forty-third Session of the Indian National Congress held in Calcutta in December 1928, p. 107.



have succeeded to the great asset left by the Congress—the goal of complete independence. You cannot shirk its liability. The future will depend largely on the manner in which you discharge that liability.

The recommendations of the main and supplementary Reports of the Committee appointed by the All Parties Conference are all based on the principle of the highest common agreement. That principle I earnestly commend to this Congress for its acceptance. The Congress is in itself an All Parties Conference and it is its duty to deal with every question coming before it from the point of view of the greatest good of all the parties and the people of India. So far the Congress has been discharging this duty on its own initiative, taking upon itself the responsibility of determining what is good for the people and regulating its policy accordingly. This is the first time in the history of the Congress that it invited the people of India through the various organisations representing them, to determine for themselves what is good for them. In doing so the Congress has acted on the principle of self-determination. Those invited have accepted the invitation of the Congress as they never did before—no, not even in the palmy days of Non-co-operation—when, with all the millions behind it, the Congress was not supported by many well-known organisations. There is not one organisation—political, social, religious, communal, commercial, industrial or labour—of any note or standing to-day which did not take part in the All Parties Conference and the National Convention or which having so taken part, has not given up much that it valued. It is an achievement of which any country in the world might well be proud. That achievement will now be presented to you. Will you accept it or spurn it? If you have any faith in your claim for self-determination, you have no right to spurn it even if you disagree. The only question is, whether there is such a consensus of agreement on the scheme that it can be treated as self-determined. I say there is. The only dissentients are a few communalists. As regards them, I must say frankly that I do not understand them and am unable to reconcile their claim for special communal advantages with their desire for complete independence. Some of these would reserve to a handful the right to arrest the whole course of the country's legislation. Others are prepared to go back even on joint electorates if a few additional seats are not given to them in the legislatures.

Their dissent with a scheme of dominion status can hardly be taken seriously.

I have commented adversely on the speech of the Viceroy delivered in this city, recently, but I think I owe it to His Excellency to express my appreciation of another part of the same speech which is germane to the point I am discussing. He said :

“There is no use pretending that the different classes, the different communities, the different races in India will not have different standards, but in such disagreement there is nothing unhealthy or unnatural. If interests clash it does not mean that one set of interests is to be swept away or that one community need smother its individuality to suit the whole. Each has its own good qualities, its own ideals to pursue, its own rights to maintain but each should be capable of self-realisation in its own sphere and at the same time taking its own place in the whole scheme of National life.”

I heartily endorse this sentiment but am not quite sure that His Excellency and I are not at cross purposes. I claim that the Report of the All Parties Committee allows ample opportunity for “self-realisation in its own sphere” and at the same time gives to each “its own place in the whole scheme of national life”. I have, however, a shrewd suspicion that Lord Irwin does not mean the same thing. But let me proceed.

Apart from the principle of self-determination the only other criterion by which you can judge the All Parties scheme is real and lasting good of the country. Spurn it, by all means, if you honestly think that it is not for the real and lasting good of the country and only offers a temporary advantage at the sacrifice of the ultimate goal. But do not spurn it, merely, because it conflicts with theories and dogmas which have no relation to the living facts of the situations.

Neither the authors of the recommendations, nor the Conferences which have adopted them, have put them forward as a counsel of perfection. Speaking for myself and my colleagues on the Committee, I can say that there is not one of us who, left to himself, would have produced the identical report which, acting together we have considered it our duty to make. There are points on which our recom-



mendations run counter to the settled convictions of every one of us, as for instance reservation of seats for minorities. We were, however, compelled to recommend such reservation by the exigencies of the situation.

The one question, therefore, that this Congress has to answer is, whether these recommendations and resolutions, taken as a whole, are so utterly outrageous, so thoroughly inconsistent, with the real and lasting good of the country, that it is its duty to reject them, in spite of the consensus of opinion in the country behind them. If they are not, this Congress has no option but to accept them.

It will be observed that the recommendations are divisible under two main heads—general and communal. Both are so inter-related that you cannot accept the one and reject the other. We cannot overlook the Lucknow resolution, whereby all parties agreed that “every one of them will stand by it as a whole and will refuse to accept any single part of it without giving full force and effect to all other parts.” There are communal and politico-communal organizations which favour dominion status and have, not only joined the communal agreements as parties, but given up what they considered substantial rights for the sake of an agreed constitution. Many hundreds of public meetings have been held throughout the country, attended by people of all shades of opinion, which have approved of the recommendations as a whole. It is impossible to say how many accepted the communal solution because of the draft constitution for dominion status, and how many accepted the latter because of the former. We have to keep our faith with all. The course suggested is, therefore, not open to the Congress. It has either to accept both the communal solution and the dominion status, recommended by the Conferences, without prejudice to its goal of complete independence, or to scrap the whole scheme.

The position, as I view it, is this. Here is a constitution agreed upon by the various parties invited by the Congress to frame it. These parties know that the goal of the Congress is complete independence. They do not ask the Congress to change its goal, but present to it the result of their labours such as it is, and say that they are prepared to go thus far and no further at present. They offer their co-operation and demand that of the Congress,

to enable both to reach the point up to which they are prepared to go. After that point is reached they reserve liberty to themselves and to the Congress to consider the next step. Is the Congress going to refuse them this co-operation and this liberty? Is the Congress after bringing them together going to send them back to the wilderness in isolated groups, each to shift for itself, and leave the Congress to wrangle over the respective merits of complete independence and dominion status to the end of time? If the Congress will do that, it will abdicate its proper function to guide the nation on its forward march. The occasion calls for skilful generalship, and not academic discussions which take us nowhere. The nation is knocking at your door. You must open it wide—wide enough for every one to enter, or lose your rightful place of high command. My advice to you is to accept the offer. If you do so the way to your destination is clear.

Begin at the point at which the All Parties Conference have now arrived and push forward with them as far as they would go, then pause and take stock of your equipment, and finally throw the strength of your whole being into one great effort to reach the goal.

The first, and the most obvious step is to set our own house in order. For this purpose, rally all the parties under the banner of the Congress and prepare to march shoulder to shoulder with them to the farthest end of the common road. That will be the first part of the arduous journey. I suggest the following programme for it:

- (1) Popularising the communal solution, agreed to at the All Parties Conferences, in the country, by intensive propaganda in the Press and on the platform and organising village to village lectures.
- (2) Organising similar propaganda in regard to the resolutions of the Delhi Unity Conference and the Madras Congress, with such improvements as this Congress might make on communal matters, other than those dealt with by the conferences.
- (3) Work among the untouchables and depressed classes.
- (4) Organisation of labour, agricultural and industrial.
- (5) Other village organisation.



- (6) Popularising khaddar and boycott of foreign cloth.
- (7) Campaign against social customs which retard social intercourse and national growth, more especially crusade against the Purdah and other disabilities of women.
- (8) Intensive campaign against the drink and opium curse.
- (9) Publicity.

It will be observed that this is a predominantly social programme. I claim no originality for any of its items and have merely selected them out of a long list which, with the exception of the first item, has been before the Congress and the country for years past. I may, however, be pardoned when I say that we have so far not done much worth speaking in carrying out the constructive work. Commonplace as this programme may appear, it is the only true foundation on which the hopes of the high priests of complete independence as well as those of the votaries of dominion status, can be safely built. To the former I say, that the measure of their capacity for the tremendous sacrifice that the first real step towards their goal will demand is the measure of their success in carrying out this seemingly unpretentious programme. To the latter I say, that the only chance there is of dominion status being ever offered to them lies in the complete fulfilment of this very programme.

Large sums of money and organised work throughout the country are necessary if we are to set about the business in right earnest. It is not merely the business of any particular organisation or individual, but of all organisations and all individuals in the country who have the least desire to attain any measure of freedom. Among those who took part in the Convention there were the representatives of all interests in the country—there were the wealthy, the well-to-do, and the poor. Let the wealthy give of their abundance, the well-to-do of their savings, and the poor of their pittance. Let the Indian Princes, great and small, come forward with munificent donations, and give practical proof of the great solicitude they profess for the general well-being of their country. In the social part of the programme all can join including Government servants. But will the Government let them? This is the acid test of the honesty of the pious intentions and wishes expressed by British statesmen in England and India. Let the Government, if it honestly means what it professes, publicly declare that the Indian Princes,

the Indian commercial and industrial magnates, the great Zamin-dars, and Government servants, have full liberty to help the social work in every way possible. Let there be no secret instructions to the contrary in sealed covers or in cipher, circulated at the same time. Let the English banks undertake that they will not turn away Indian commercial and industrial concerns from their door if they subscribe to this fund. Let these three things be done, and I shall see that enough money is forthcoming within a very short time for the full fruition of this programme.

But we Congressmen need not depend upon the pious wishes and intentions of the British bureaucracy and those who are interested in maintaining it in power. The real work has to be done by Congressmen with the help of the progressive parties in the country.

This is the general programme for all parties to carry out. It is as necessary from their point of view as that of the Congress, and I have reason to believe that they will give their full support. If we all do this work honestly and intensively the goal should be within sight. But if we are unable to work out this programme to the full measure expected, whether we retain the support of the other parties or not, for Congressmen non-violent non-co-operation is an obligation they dare not shirk unless there is a better aggressive programme before the Congress. Sirdar Vallabhbhai Patel and Bardoli have shown us that absolutely peaceful direct action is possible and can be made successful. He has shown what patient work among villagers can do. In your name, I tender my congratulations to the Sirdar and his brave comrades—men as well as women.

We may not forget our countrymen overseas. Though the great work done by Mr. V. S. S. Sastri has eased the situation to a certain extent in South Africa the position requires considerable watching. The problem in Kenya is growing more and more serious and threatens the very existence of the Indian settlers there who, by the way, went there long before any European and enjoyed the happiest relations with the Africans. In Fiji and British Guiana too the pressure of British exploitation is telling upon our countrymen who have gone there, as much as upon the natives of the soil. But without forgetting them, the best aid we can render them is, in the words of Sir Pherozshah Mehta, to gain our freedom here.



I have only dealt with what I consider to be the real crux of the present situation and in doing so I have tried to discharge what I conceive to be my duty to the country at this juncture. My views may not be acceptable to all, specially to the younger men. I quite appreciate their impatience. We need both patience and impatience. Patience with those who differ from us, impatience with ourselves. I have no quarrel with the ideals of the younger men nor with the practical work they have laid out for themselves. I hold with them that all exploitations must cease and all imperialism must go. But the way to do it is a long and dreary one. They know it and have themselves pointed it out. The work before the young and the old is one and the same. Only the mentality is different. Let the younger men by all means preserve their own mentality, but let them not, for the sake of the very motherland they seek to serve, divide the country into more factions and parties than there are already. To the older men I repeat the same advice. Let them both remember the words of wisdom uttered by Mahatma Gandhi and Deshbandhu Chittaranjan Das I have quoted above. The masses want bread. They have no time to make experiments and no use for theories and dogmas imported from abroad.

I have done. You have been patient with me. My humble services for what they are worth are at your disposal. Let us sink our differences. Let us march forward shoulder to shoulder and victory is ours.

### III

## Freedom Movement

*Extracts from the Presidential Address delivered at the  
Special Conference which met at Lucknow on the 10th  
August, 1917.*

We have found it necessary to hold this Special Provincial Congress on the opening of the fourth year of a devastating world war, which so far from showing any abatement of the ghastly horrors attending it, is continuing to draw nation after nation into the vortex. Our own country has played and is playing a most honourable part under the flag of our King Emperor<sup>1</sup> —a part which has opened the eyes of the world to our real importance and the great destiny which lies before us. Why, then, is it that instead of eschewing politics altogether, as our critics would have us do, we are not only continuing the agitation on the lines of existing political institutions but are multiplying those institutions and holding special and extraordinary meetings all over the country? There is no escape from one of the two alternatives: either those who are responsible for the agitation have all gone mad or there is solid reason behind it. Now, gentlemen, who are the persons who are leading this agitation? If there ever was any doubt about their identity, it has now been cleared up by the joint meeting of the All-India Congress Committee and the Council of the Muslim League held in Bombay on the 28th and 29th July last, and by the firm and clear representation<sup>2</sup> they have jointly and unanimously addressed to the Viceroy<sup>3</sup> and the Secretary of State for India<sup>4</sup>. Both these bodies have long outlived official

<sup>1</sup> George V, King of England and Emperor of India.

<sup>2</sup> The Congress and Muslim League joint representation made it clear that the newly awakened spirit was not to be suppressed by the Defence of India Act or the Press Act. It asked for the complete reversal of the policy of repression and the immediate release of the interned patriots. While demanding that the Congress-Muslim League scheme of reforms be given effect to after the close of the war, it invited the Government to publish their own proposals for public discussion. It insisted on an authoritative pronouncement pledging the Government to a policy of making India a self-governing member of the British Empire at an early date.

<sup>3</sup> Lord Chelmsford.

<sup>4</sup> Sir Austen Chamberlain.



suspicion and distrust and it is too late in the day now to question either the perfect legitimacy of their character, or the strict propriety of their methods. I may here refer to the appreciation accorded by no less an authority than Mr. Austen Chamberlain to one of these sister institutions as recently as May, 1916. He said:

“The Indian National Congress is an independent unofficial body. In ordinary times it is highly critical of the Government. The expression by its President and the resolution of loyalty which was passed may be taken as representative of the feeling of the great bulk of the Indian people.”

The other independent unofficial body, the All-India Muslim League, has since joined forces with the Indian National Congress and the two together now stand on the same platform firmly united. Are the members of these national bodies which represent the best intellect and culture of the country so hopelessly insane that they are persevering in an agitation which is not only wholly unnecessary but positively harmful to themselves? If there be any who entertain such an idea, all I can say is that it is high time for their friends to take care of them. The first of the two alternatives I have mentioned being thus unthinkable, there is no getting out of the second.

The more thoughtful of our official critics feel the difficulty of believing that there is no real cause for the successive waves of enthusiasm which are surging through the length and breadth of the country, but they are unable to make up their minds as to where to look for the true reason. This is easily explainable by the peculiar working of the official mind. It starts with the presumption that the bureaucracy can never go wrong and, naturally enough, refuses to test an act or policy which bears the hallmark of a Government Secretariat as being the likely source of the trouble. The result is that where the situation is to our minds clearly traceable to an act or policy of the Government the official mind convinces itself that the root of the trouble must lie somewhere in the people themselves. This attitude of mind has been graphically described by Mr. Gokhale<sup>5</sup> in his own inimitable manner and I cannot do better than quote the words of that great apostle of self-government. He said:

<sup>5</sup> Mr. Gopal Krishna Gokhale, Member of the Viceroy's Legislative Council.

“My quarrel is less with the official than with the system, this monopoly of power by officials. Many of these officials are, no doubt, conscientious men who are trying to do their duty according to their lights. But I contest that these lights are dim. Their highest idea of British rule is efficiency. They think that if they give India an efficient administration, the whole of their work is discharged. But this really is not the whole duty, nor even the main duty which England has professed to undertake in India. You have pledged your word before God and man to govern India so as to enable the Indian people to govern themselves according to the higher standard of the West. If your policy is not directed to this end I shall consider you have failed.”

When England embarked on this war of humanity and stood forth before the world as the champion of the liberties of small and weak nations, a thrill of pride at our connection with her ran through the whole country. Prince and peasant alike, were affected by the general enthusiasm, and offer of men and money began to pour in from every direction. The genius of Lord Hardinge<sup>6</sup> at once realized the supreme need of the hour and those offers were freely accepted on behalf and in the name of the King-Emperor. Soon after our brave men reached the various theatres of war to which they were despatched. Soul-stirring accounts of their brilliant valour on the battle field were flashed across the seas not only to India but to the whole civilized world. The heroism of our men and the magnificent help in money and material rendered by all the classes of the people appealed to the great English democracy as nothing else could, and leading men in England, in the fullness of their gratitude, poured out their hearts to us in Parliament and in the Press.<sup>7</sup>

<sup>6</sup> Viceroy of India.

<sup>7</sup> This is how His Majesty the King-Emperor appreciated the services which were being rendered by India during the First War:

“Amongst the many incidents that have marked the up-rising of the populations of my Empire in defence of its unity and integrity, nothing has moved me more than the passionate devotion to my Throne expressed both by my Indian and English subjects and by the Feudatory Princes and Ruling Chiefs of India and their prodigious offers of their lives and their resources in the cause of the realm. Their one-voiced demand to be foremost in the conflict has touched my heart and has inspired to the highest issues the love and



About the same time there was an important measure on the anvil of the Imperial Legislative Council, I mean the unfortunate devotion which, as I well know, have ever linked my Indian subjects and myself."

From the message of His Majesty the King-Emperor read by Lord Hardinge in the Indian Legislative Council in September, 1914.

Rt. Hon. Sir Austen Chamberlain also held the same sentiments. He said:

"And the people of India, sepoys and Maharajas, villagers and highly educated public men, have given their support, because they are deeply convinced that in this war the British Empire is fighting in a just and righteous cause. The Indian people have a high sense of right and wrong. They saw that in this war the Allies were in the right, as they regarded the cause of the Allies as the cause of India."

The Rt. Hon. Mr. Asquith said:

"We welcome with appreciation and affection their proffered aid to the Empire which knows no distinction of race or class, where all alike are subjects of the King-Emperor and are joint and equal custodians of our common interest and fortunes."

Lord Curzon also held in highest esteem the Indian soldiers. He stated:

"It would be an act of folly to refrain from using troops which were not inferior to, but in some respects the most efficient of, the whole Army. The martial spirit in India is traditional and famous, and why, when we wanted every man we could get, should we refrain from employing them, because the sun happened to have looked upon them and made them dark? They would not fire on the Red-Cross badge; they would not murder innocent women and children; they would not bombard Christian Cathedrals even if to them they were the fanes of an alien faith. The East was sending out a civilised soldier to save Europe from the modern Huns."

*The Times*, a leading organ of the British Press, stated that India had shown loyalty and devotion without stint. *The Times* wrote:

"It will be our part, when we have settled our affair with Germany, to see to it that as the years pass, she (India) takes an ampler place in the Councils of the Empire. Unsought, she has shown loyalty and devotion without stint. We have now to make her feel increasingly that she can best fulfil her destinies and attain her hopes within the British Empire rather than outside it. One of the greatest tasks that lies before British statesmanship in this country is to attach India freely and fully as a component part of the Empire."

This is what the *Westminster Gazette*, another leading paper, wrote:

"India recognises at this time that there is no other European Government which she could desire to have installed in the place of the British *Raj*. It is our part in return to see that she has full opportunities of working out her destinies and taking a position in the Empire which satisfies her self-respect and her pride in her ancient civilisation."

Defence of India Act<sup>8</sup> which has been the cause of many of our troubles. The Indian members of the Council were not remiss in their duty to point out serious defects in the proposed legislation and they showed clearly that it was liable to be put to an improper use, but accepting the assurance given at the time by Sir Reginald Craddock<sup>9</sup> loyally stood by the Government and allowed the bill to be passed into law with their unanimous support.

The Defence of India thus became law and it was not long after the fears entertained by the public came to be realised. Among the earliest victims it claimed, were two worthy citizens and devoted public men, the brothers Mohammad Ali<sup>10</sup> and Shaukat Ali<sup>11</sup> who were interned for some unknown and unspecified offence. Anywhere but in India there would have been such a storm of protest at this clear misuse of a special Act as would have made the country ring from one end to the other. But nothing of the kind happened.

These measures were followed by an unmistakable policy of repression in India. There were hundreds of internments under the Defence of India Act in Bengal the orders relating to which never saw the light of day. Free-born citizens were spirited away under executive orders without trial and sometimes without the knowledge of their friends and relatives. The Government of Madras which has recently carried the palm in repression began its campaign against Mrs. Besant<sup>12</sup> by a demand of security for the New India Press which was duly furnished and, as was expected, quickly forfeited. Then came the demand of enhanced security for the same Press and this was followed by similar demands of security from Mrs. Besant as the keeper of the Vasant and Besant presses. Mr. Bal Gangadhar Tilak was next the subject of the attention of the Bombay Government. He was prosecuted under Section 108 of the Code of Criminal Procedure for certain Home Rule speeches which he had made. It was a bold attempt by the Executive to run the gauntlet of a judicial trial and signal failure

<sup>8</sup> The object of the Act was to "arm the executive with certain special emergency powers requisite to secure the public safety and the defence of British India." Special tribunals were created under the Act for the more speedy trial of certain classes of offences.

<sup>9</sup> Home Member of the Viceroy's Executive Council.

<sup>10</sup> One of the leaders of the Khilafat movement.

<sup>11</sup> *Ibid.*

<sup>12</sup> Founder of the Home Rule League.



was the result. Mr. Tilak was acquitted by the Bombay High Court. Having failed in this experiment the Government of Bombay reverted to the shelter afforded by the Defence of India Act and passed an order prohibiting Mrs. Besant from entering the Bombay Presidency. The example set by the Bombay Government was followed by the Government of the Central Provinces and Berar, and Mrs. Besant was excluded from that province.

(But) throughout, India has maintained the most correct and helpful attitude. We have avoided raising all controversial issues as far as we could. We have been asking for political reforms in the most constitutional and reasonable manner. The nature of our demands has been admitted to be legitimate and laudable. Nothing has been done to embarrass the Government or to interfere with war work. In the face of these incontrovertible facts, who can have the courage to say that we are taking undue advantage of the pre-occupation of England?

It now remains for me to say what is our plain duty in the circumstances. We claim to be reasonable men, and as such, we have through our great national institutions submitted a scheme of reforms to which we consider we are entitled as a first instalment towards the grant of full responsible self-government in due course.<sup>13</sup> What we have asked for is to our minds the irreducible minimum of real power which ought to be invested in us. But we grant that we are not infallible. We are open to conviction and are prepared to negotiate on the basis of our scheme. It is not correct to say that we are asking for the whole loaf in the expectation of getting a slice. It is equally incorrect to say that we are revolutionaries and will have nothing but full responsible self-government at once. Much powder and shot have been wasted by certain Provincial Governors to demolish this fanciful idea. It was never entertained by any responsible member of the Congress, Moslem or Home Rule Leagues. Our position has been clearly stated in the representation recently made by the joint conference of the National Congress and the Moslem League held at Bombay. That representation embodies our answer to the policy of repression in a dignified and emphatic manner.

If we cannot demonstrate to ourselves and our fellow-subjects throughout the Empire that we earnestly and honestly believe

<sup>13</sup> Refers to Congress-Muslim League scheme. See footnote 2, *supra*.

in our cause, if we cannot convince them of our undying belief in ourselves and the greatness of our destiny as an integral part of this great Empire, we shall have deserved all the taunts that have been levelled against us by those who are opposing our movement of national uplift. But I am confident that we shall prove true to our faith and our people, and that come what may, we shall not rest until we have achieved our goal.



## Congress Constitution

*Abstract of the speech delivered at the U.P. Political Conference at Sitapur on 18th October, 1925, regarding the recommendations of the Patna Congress.*

It was not unusual for a subordinate organisation to support any action taken by a higher authority, such as the A.I.C.C. undoubtedly was in relation to the Provincial Congress Committee. That course, however, was necessary in this case, as the resolution of the A.I.C.C. was passed in anticipation of confirmation by the Congress. It was, therefore, quite proper for this Conference to make its own recommendations to the Congress.

There were four points in the Patna resolution, which required consideration. The first was the change of the Congress franchise, thereby effected, which, the speaker believed, was in the existing circumstances, a step in the right direction, as it enabled all the parties to rally round the standard of the Congress if they were disposed to do so. The second was the constitution and establishment of the All-India Spinners' Association.<sup>1</sup>

Mahatmaji had spoken at great length on the subject and it was hardly possible for the speaker to make out a stronger case in favour of the new institution than Mahatmaji had done. He was, however, anxious to make his own attitude, and that of the very large number of Swarajists who believed in spinning, quite clear. They fully believed in all the possibilities of the charka pointed out by Mahatmaji. But they did not hold that the charka was the only thing to which the attention of the country should be confined. There were, in their opinion, other activities which should also be taken up. That, however, did not mean that they were indifferent to the charka and did not wish to make it as great a success as Mahatmaji desired. His own sympathies were whole-heartedly with the All-India Spinners' Association, and he expected that the Swarajists would join it in large numbers.

<sup>1</sup> An expert permanent organisation for the development of hand-spinning and khaddar established by and with the consent of the All-India Congress Committee.

The third point to be considered, the Pandit continued, was the resumption, by the Congress, of all such political work as might be necessary in the interests of the country.

The fourth point was merely an off-shoot of the third, as the work in the legislatures was only a part of the general political work. It required special mention as there were special circumstances attending it. The Swaraj Party had laid down the constitution and programme and worked it with considerable success during the last two years, and it was in the fitness of things, that they should continue their work on behalf, and in the name, of the Congress. There was a great deal of misconception about this cause of the Patna resolution. It was said, chiefly, by those outside the present Congress organisation, that it was wrong to hand over the direction of the political activities of the Congress to one party and to put that party out of the control of the Congress as a whole. Nothing of the kind had, in fact, been done. The complaint was based on an entire misconception, both of the language of the resolution and of the situation which it was intended to meet. The Swaraj Party was in the nature of a going concern resting upon foundations which were essential for its existence. That going concern had been taken over by the Congress with the intention of running it to the best advantage, and not for the purpose of closing it down. It was, therefore, naturally put in the charge of those who had established it and had gained experience in managing it. The Swarajists had taken over the management, relying on their strength to keep it in their own hands against other parties, but there was nothing to prevent any other party from taking over possession at any moment, if it could do so by its own superior strength.

Mahatmaji had, in his speech, given such credit to the Swaraj Party as in his own opinion, was its due. The speaker claimed no more. He would simply draw attention to a mistake commonly made in interpreting the Patna resolution. What that resolution said was that the necessary modifications in the rules laid down by the Swaraj Party would be made, from time to time, by the Congress "for the purpose of carrying out the said policy."

It was argued that those words disabled the Congress from interfering with the party in any way in its Council work. It was true that the fundamental principle on which the Council policy was based could not be changed. But what was that policy? In the first pro-



gramme of the Party, settled in February, 1923, it was stated that its policy "shall include, on the one hand, all such activity as tends to create an atmosphere of resistance, making Government by Bureaucracy impossible, with a view to enforce our national claims and vindicate our national honour, and, on the other hand, shall include, for the said purpose, all steps necessary for the gradual withdrawal of that co-operation by the people of this country, without which it is impossible for the bureaucracy to maintain itself." The same policy was restated in the revised programme issued in Calcutta, in August, 1924, in the following terms:

"Now the Swaraj Party declares that the guiding principle of the Party is self-reliance in all activities which make for the healthy growth of the nation, and resistance to the bureaucracy, as it impedes the nation's progress towards Swaraj."

This policy governs the whole work of the Party inside and outside the Councils. Was there a single Congressman, of any shade of opinion, who could take a reasonable exception to this policy except on the ground that Council entry was in itself wrong in principle? That was certainly a ground which was not open to any Congressman to take after the Patna resolution. If it were allowed, the result would be to revive the old controversy between the Pro-Changers and the No-Changers, which it was certainly the deliberate intention of the resolution to put a stop to for all time to come. In other matters it was all a question of the opinion of the majority prevailing over that of the minority.





PART TWO

# U. P. COUNCIL SPEECHES





# Montagu-Chelmsford Reforms\*

*Speaking on the motion of Rai Anand Sarup Bahadur<sup>1</sup> regarding Montagu-Chelmsford Reforms in the United Provinces Legislative Council on 12th August, 1918.*

I am practically in the same position as my friend the Honourable Saiyid Wazir Hasan<sup>2</sup>, because I also belong to a political organisation which has most distinctly expressed itself in past years

\* When the principles of self-government had been applied in their most extreme form in the other parts of the Empire, came the turn of India when in 1909, Lord Morley introduced his Indian Councils Act. Here was no far reaching scheme, here was no reckless experiment, merely a cautious attempt to associate the governed with the Governor and to give expression to popular opinion in India.

Then came the famous announcement of 20th August 1917, declaring, in the carefully worded language of politicians, the policy of His Majesty's Government with regard to India. That announcement was made under a strain when the British Government was in peril, and not a day too soon or too late. India herself was in a state of ferment and things were so drifting as to throw all thought, all sections, all creeds, into a united common stream of thought and action and ideal. With this Declaration the drift of things into a common channel stopped; streams rolled back. Lines became distinctly discernible.

In accordance with the policy outlined in the Declaration, Mr. Montagu visited India in the cold weather of 1917-18 and in July of the latter year there was published the Report on Indian Constitutional Reforms.

In the words of those who drew the proposals set forth in the Report, "What we have done is to afford Indians a fair share in the Government of the entire country, while providing in the provinces the means for them to attain the stage of responsible government, to which the beginning of responsibility for the Government of India itself must be the sequel."

<sup>1</sup> The following was the motion moved on the subject by Rai Anand Sarup Bahadur:

"This Council recommends to His Honourable the Lieutenant-Governor to bring to the notice of the Governor-General in Council and through him of the Secretary of State for India that this Council, while it is of opinion that various modifications are required in the proposals, welcomes the scheme of Constitutional Reforms embodied in the Report of Lord Chelmsford and Mr. Montagu as a genuine effort to make an appreciable advance in the direction of responsible government for India."

—U.P. Council Proceedings, 1918, p. 784.

<sup>2</sup> While stating that he was completely bound by the Collective opinion of his

upon the subject in hand, and it is expected that by the end of this month both the organizations, namely, that to which I belong and also that to which my friend the Honourable Saiyid Wazir Hasan belongs will again express themselves upon the same subject, and more particularly, upon the reform proposals.<sup>3</sup> But, sir, I take a somewhat different view of my duty under the circumstances. I think, as my friend does, that I am bound by the pronouncement of the body to which I belong, until that pronouncement is in any way modified, re-considered or altered; but at the same time, we are here in order to discuss certain proposals on their merits, and I feel I am entitled to express my individual opinions upon these proposals, quite apart from what the opinion of the organisation, as a whole will be when it meets. The only thing that I wish to make clear is that the fact of my taking part in this debate does not imply the surrender of any of the essential principles which have been laid down by the joint scheme of the Indian National Congress and the Muslim League.<sup>4</sup> With that reservation, I think, I am at liberty to take part in this debate.

As to the resolution which has been brought forward by my friend, Rai Anand Sarup Bahadur, I am afraid it is difficult for me to support him. I have made, I can assure you, during the last half an hour or so, as genuine an effort as the framers of the Report did in framing it, to summon all the faith and the devotion in me to help me in joining in the hallelujahs with which this Council Chamber ring, and I confess that my faith has broken down under the extreme strain put upon it. To express gratitude for all official acts, whatever their character, is the natural outcome of centuries of bureaucratic rule. Such gratitude, I do not say, is not sincere.

Party—the All India Muslim League,—Saiyid Wazir Hasan said:

“So long as that organisation has not expressed itself on the details of this scheme I feel that I am unable to take any active part in the deliberations of to-day. On that account, I feel I cannot either oppose or support this resolution.”

—*Ibid*, p. 788.

<sup>3</sup> Both the Indian National Congress and the All India Muslim League pronounced the proposals embodied in the Montagu-Chelmsford Report as “unsatisfactory, inadequate and disappointing.”

<sup>4</sup> The cardinal feature of the Congress-Muslim League Scheme, which was submitted to Rt. Honourable Secretary of State and His Excellency the Governor-General of India at Delhi in November 1916, was that Government should be made at least partially representative of and responsible to the people and that the control of higher authority should be curtailed to a corresponding degree.



On the contrary, I believe it is genuine and sincere, for the simple reason that the official act in question might easily have been worse. In that sense, of course, it is easy to agree with all that my friend the honourable mover of this resolution has said. But when he asks us to join with him in saying that it is a genuine advance and a substantial step towards responsible Government, I feel it my duty to cry halt. The document before us is undoubtedly a most remarkable state document. That it is the result of anxious thought and stupendous industry, there cannot be two opinions about. The distinguished authors by their position deserve, and are entitled to, our highest respect, and I yield to none in giving them their due. The lavish bestowal of time and energy, the masterful treatment of the subject, the clear reasoning and the abstract principles which have been laid down, all command my sincere admiration. But before I indulge in any effusions of gratitude, I must find an honest answer to an honest question and that is: What have they actually done for me? Or, in other words, have they redeemed the pledge given by the announcement of the 20th of August, 1917?<sup>5</sup> My friend the Honourable Rai Anand Sarup Bahadur has answered that question in the affirmative, or rather assumed the answer in the affirmative; but to my mind the true answer is to be found in the formidable list of modifications which are before the Council.<sup>6</sup> It is there that we find the true measure of the approval or disapproval of the reforms. There can be no doubt that these modifications show a general, or, I may say, a substantial agreement on one point, and that is, that a good deal is wanting in the scheme. And I say that without those wants being supplied it is no more than a shell; the kernel really lies in the modifications which are being pressed in this Council and elsewhere.

The Honourable Mr. Crawshaw has said<sup>7</sup> that if you dive deep you will find gems of great value; and that the more you dive the larger the number of gems you will find. I have, according to my own knowledge, tried to dive, and to dive deep; but I have brought up nothing but disappointment. On this point, however, I must make myself clear. In so far as the principle that India will one day be a self-governing country is concerned, that is established by the

<sup>5</sup> See footnote 19, I, *supra*.

<sup>6</sup> For details, see *Proceedings, op. cit.*, pp. 791-2.

<sup>7</sup> For text of Mr. W. E. Crawshaw's speech, see *Proceedings, op. cit.*, p. 793.

report itself. There is no question that sooner or later it is proposed to confer such a Government upon India. But we are assembled here to-day to discuss, not the abstract principles, or even to attribute motives to persons placed in high authority, but to consider practical proposals as practical men and to make such practical suggestions as we have faith in. To say that the report is a genuine effort is to imply that it might possibly have been other than genuine, a possibility, sir, which I discard. So I do not see how it is at all material for us to go into this question, and so far as it is a work of art and talent, I have already said that it has my admiration. But the proposals which it makes, I submit, are of a halting nature. It stops just short of the very step which it says is being taken, because, when we come in the course of the debate to discuss the details, we shall find an illustration of what Your Honour very happily said the other day, namely, that reform must not be afraid of itself. That is just what we find the proposals to be, that is to say, they are afraid of themselves.

The Honourable mover, about the conclusion of his speech, said that this Council endorsed the general policy of the reforms. I wish that his resolution were worded in that way, for if it were so worded it would have my heartiest support, because the policy is there, and there is no question that it is a broad-minded policy of courageous statesmen. But what is wanting is the execution of that policy. There is no question that the germs of improvement are there, and that it is an appreciable advance; but it has laid down a very complicated system, which, the more you go into it, the more harassed you feel and the less easy it is for you to extricate yourself from it.

Let us examine generally what was the announcement of the 20th August. The announcement was that at first a substantial step shall be taken. That gave me the idea, and that would give any one the idea, that something, however little, was going to be actually parted with by Government in favour of the people. But when we come to examine what it is that has been given, we find that it is hedged in with so many limitations and reservations, so many checks and counterchecks, that it becomes a question of giving with one hand and taking away with the other. To my simple mind the easier thing would have been to say "We give you so much and will give you no more; there is an end of the matter. Whether it is more or,



less whatever it is, here it is." Then the only question would have been whether it is enough or not. But what is actually done is that a good deal of show is made, but the restrictions put upon it deprive it of all its value. The key note of the report is distrust of the people of India and a great sense of undefined dangers ahead. The Right Honourable Secretary of State<sup>8</sup>, in the course of the debate in the House of Commons on the Budget, anticipated that objection, when he said that the limitations on the scheme were due, not to distrust or fear, but to facts and time. Now, sir, either the facts justify or do not justify the giving of any actual responsibility; either the time has come or it has not come for the giving of actual responsibility. If the facts justify and if the time has come, give us our due. If the time has not come and facts do not justify, then tell us so. What the scheme shows, however, is that neither the one nor the other has been done. On the contrary, you will find that in certain places one could almost see that the authors begin to think that the announcement of the 20th August has gone a bit further than they would have allowed it to go if they had anticipated any of the difficulties. Passages are not wanting in the report to show that an attempt is made to put too literal an interpretation upon the announcement, and when we come to the action to be taken on it, there is no doubt that the spirit of the announcement is lost sight of.

For these reasons, I am sorry that I cannot support the motion. I hope I have made myself clear. What I do not support is that it is a genuine and appreciable advance in the direction of responsible Government.

[The motion was put and agreed to]

<sup>8</sup> Sir Austen Chamberlain.

## Montagu-Chelmsford Reforms II

*Speaking on the Resolution\* concerning the transferred subjects in the U.P. Legislative Council on 12th August 1918*

The honourable member who opened the debate on these groups of subjects, I mean the Honourable Mr. Chintamani<sup>1</sup>, said in the course of his speech that his resolution embodies practically all that I have to say in general terms except land revenue. I prefer to put this resolution in a general form, i.e., instead of specifying the subjects that are to be transferred, I wish to specify the subjects that are to be reserved. The only question is about land revenue.

Various honourable members have spoken and they have laid down various principles on which the transfer of these subjects will be effected. The principle to which I adhere is, I have already stated, the principle which does not admit of any transferred or reserved subjects at all. I am glad to hear that the Honourable Mr. Chintamani, if he were left alone and if he had not the weight of this report upon him, would be of the same opinion. But he yields to the superior wisdom of the illustrious authors of the Report. Now, so far as this matter goes, I prefer not to be weighed down by the opinion of anybody. I claim the right for my own opinion and I claim to adhere to it so long as I am not convinced that it is wrong. The principle which the distinguished authors of the reform have laid down for local bodies, I think, is the Provincial Governments. That principle for local bodies laid down in paragraph 188 of the

\* The Resolution, moved by Pandit Motilal Nehru, was "That this Council requests His Honour the Lieutenant-Governor that he will be pleased to recommend to His Excellency the Viceroy and through him to the Right Honourable the Secretary of State for India that the following changes in the proposed constitutional reforms are essential steps to be taken in these provinces towards the establishment of full responsible government:

"(1) That the transferred subject shall embrace all departments except police, law and justice, a complete separation of the executive from the judicial functions having previously been effected."

—U.P. Council Proceedings, 1918, p. 810.

<sup>1</sup> President of the National Liberal Federation of India.



Report is printed as the first main basic principle upon which the Report proceeds:

“There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control.”

I say that that is a principle which should be applied in determining which are the transferred and which the reserved subjects. Now applying the rule, we have to see what catastrophe will befall the Empire if every subject, other than law and justice, is transferred, so long as the Government of India retains the control of the Army and Navy, foreign relations, and relations with Indian Provinces, and each Provincial Government has full control of all the agencies except law and order. If that is done, I say, how no other subject is transferred? How will the stability of the Government even if the whole thing is mismanaged by the popular side of the Government, be affected as to the reserved side?

It is said that revenue is an important subject and we must give special training to administrators and the electorate before revenue is transferred. I submit that, so far as moral training is concerned, I do not think, there is much to choose between one subject and the other. The fact is that for over a century we had no education in administration at all, except in such branches of the service in which Indians are appointed. What I mean is that there is no public man in this country at present who has any experience of the administration of the country. That being so the argument which is used in the case of land revenue applies equally to the other branches of administration, and if it does, then it goes to the very root of the idea of transferred subjects.

The Honourable Mirza Sami-ullah Beg seems to think that there must be an electorate of tenants before we ask for the administration of revenue to the popular side of the Government. I really have not been able to follow him as to what he means by saying that an electorate of tenants is necessary for the administration of land revenue and that it is not necessary for other purposes. The vast majority of the Indian population consists of agriculturists, and it is they who will be mainly affected by the administration of the various branches of Government. No one can deny that it is

the rural population which must first be instructed in the art of voting to know what it means to give a vote to such a person and what to expect from him. That will come gradually and no one who wishes all the departments to be transferred, pretends to say that the electorates are to have any sort of perfection. The whole question is, is it possible at the present time with the present material to form such a workable electorate which will, in course of time, improve? If it is reasonable to withhold this subject the result will be that it will apply to all subjects. Then there are the interests of the Zamindars and landholders. I think my honourable friend meant that when there would be an electorate the Zamindars would be the most powerful section of the population so far as election to the Council was concerned, because it was they who had the command of the tenant's vote. If that is so, the tenant, when he has learnt the proper value of his vote, will have great influence. Then we have just heard that the Zamindars want special electorates in the Council. By special representation they do not expect to be so overwhelmingly represented in the Council as to weigh down the interests of the remaining part of the Council.

The Honourable Mr. Chintamani has said that the resolutions which have been moved at the various sessions of the Indian National Congress are calculated to inspire a feeling of suspicion as to what these people will do when this resolution is passed and when administration of revenue is handed over to them. I am not aware of any particular resolution which the Congress has passed which goes against the interests of either the Zamindars or tenants. No doubt, as the Honourable Mr. Chintamani has said, they have a tendency to reduce the gross receipts from the land revenue, because they speak of reduction everywhere. For all these reasons, I think there can be no valid reason for withholding anything. Of course, if you say, as some honourable members have said, that there will be a change by the transfer of particular subjects to the transferred list, you have to make it up, but your principle should be that every subject except law and order should be transferred.

Now there is another point. I think every one will consent to police, law and justice being reserved subjects only on condition that there is a complete separation between executive and judicial functions. Your Honour is aware that this subject was taken up in the Viceroy's Council, and I am not going to take up the time



of the Council by going into the history of the case. It was decided that in certain areas the experiment should be tried. I do not think any reasonable man will defend the union of these two functions. It is, I think, accepted that it does not make for the efficient administration of justice. That being so, I submit that unless we are assured of a complete separation of these two functions, I, for one, would certainly not be a consenting party to police, law and order being reserved subjects. When I say this, I am sure I am voicing the feeling of the public.

[The motion was withdrawn]

## Montagu-Chelmsford Reforms III

*Speaking in the U.P. Legislative Council on 12th August 1918 regarding the nomination of the Chief Minister and salaries and conditions of service of the Ministers.*

It is no surprise to me to listen to adverse criticisms to the resolution that I moved, from the quarters from which they have proceeded. To deal with the most formidable, viz. the last speaker,<sup>1</sup> I have the honour to say that I dispose of all the arguments by just one sentence. The honourable member says if all the other features of the scheme are to remain as they are, then my proposals are completely out of joint. I quite agree, but is it not a very "if" that he assumed? Would it not be well for the honourable member to look at my other proposals, of which this is a part, which I have attempted to suggest in place of the scheme. I refer to the other proposals not to commend them at present, but just to show that what I am proposing in resolutions (46)<sup>2</sup> and (47),<sup>3</sup> is only part of bigger scheme which does not admit of the existing scheme which has been recommended. If the honourable member will read Resolution No. 48<sup>4</sup> along with Nos. 46 and 47, my scheme will be perfectly clear. It is not for me at present to defend all the various proposals that I have made. I defend the consistency of my position by saying that, if they are all adopted by the Council, the scheme that I propose would not only be thoroughly workable, but a scheme which prevails all over the world. True it is, as my friend the Honourable Mr. Chintamani has pointed out, that I am assuming full responsible government in the transferred subjects. So I am, and so indeed I would expect things to be when the final

<sup>1</sup> Mr. C. Y. Chintamani.

<sup>2</sup> "The Governor shall nominate a Chief Minister from among the elected members of the Council and invite him to form a Ministry, consisting of himself and two or more elected members."

<sup>3</sup> "Ministers shall hold office at the will of the Legislature and their salaries shall be voted by the Council every year."

<sup>4</sup> "All administrative questions concerning transferred subjects shall be decided by the vote of the majority of Ministers present."

—U.P. Council Proceedings, 1918, p. 826.



Bill is presented to Parliament; and in case it is not so, I do not accept a single item of the scheme. As I have submitted, I am not only committed to the Congress-League scheme<sup>5</sup> until it is altered by that body, but standing in the Council chamber to-day I have a mandate to follow and that mandate was given yesterday by the Provincial Conference which was held in this city, to which the Honourable Pandit Gokaran Nath Misra has referred and that body has passed the resolution as a whole.

Another objection taken is that the Governor along with the Executive Councillors and the Ministers is intended by this scheme to form one single Government and not Governments. I submit that, so far as that goes, the suggestion I make does not introduce any inconsistency because it is open for the Governor to preside at the meeting of the Ministers or the whole or both. But the most important alteration, I propose, is that the Governor shall be bound by the opinion of the majority of the Ministers, while, under the proposals as framed by the authors, he is not so bound. This makes all the difference.

Then it is said that under the circumstances, responsibility to the electorate is secured. What is meant by responsibility to the electorate as given in the scheme? It simply means that for the first time the Minister has nothing to fear from the electorate, because, at any rate, he is secured in his office for the whole life of the Council, and it is only when he thinks of re-election for the next Council that he need at all care for the electorate. I must admit that when I read that he is not responsible to the Legislature, but he is responsible to the electorate, it was with the greatest difficulty that I could understand it. After all I understood it, as the Honourable Mr. Chintamani has understood it. It resolves itself into this. When a Minister, chosen by the Governor, acting with the Governor, having no interest in the electorate unless, of course, he wants to stand for another election at the end of his term, owes his appointment only to the Governor and the Council I submit that these conditions are most highly demoralizing for any person who is appointed as a Minister, so far as his accountability to the electorate is concerned. The only thing that the electorate can do to punish him is by not electing him for the next term. What I am pleading for is, if I may take the liberty

<sup>5</sup> See footnote 2, III, *supra*.

to say so, the very A.B.C. of the constitution of responsible government. No doubt it will be said that you are not getting full responsibility and, therefore, something has to be devised. I agree to it. I say whatever you give us make it as full as you can, and in that sense, as I submitted in another connection, I would vastly prefer the suggestions made in the Curtis scheme.<sup>6</sup>

Then the next point is that there is no party system at present. As to that my submission is that it is the hope of the framers of this proposal that there would be a party system in India at one time or another, and certainly you must have responsible government for some time before. In the ordinary course we could evolve any party, but I do not anticipate any difficulty of the kind which has been brought by the Honourable Mr. Chintamani. He says, suppose our Ministers go out of office by an adverse vote, what happens next? Whom are you going to appoint in their place? There is no opposite party which will come into power. The simple answer to that is: I want the Chief Minister to be a person who commands the confidence of the House. If one man loses the confidence of the House and goes out of office, is it not easy to conceive that there would be other men who would command the confidence of the House, even though the party system may not be fully developed? This happens every day where this system prevails.

My honourable friend says that if my proposal is accepted two budgets will be necessary. I have already read my proposal. What I propose is that there shall be a single budget. But in the first place there shall be an allocation for the Government of India and an allocation for the reserved subjects on certain basis which I suggest. When that is done, the whole of the remainder is at the disposal of the Ministers. What I am proposing is not so absurd as has been made out by the Honourable Mr. Chintamani. It is a good sound proposition which I proposed in the other resolution, viz. that the budget shall be a single one, that, after the

<sup>6</sup> Mr. Lionel Curtis, who was invited by Sir James (later Lord) Meston to go to India to study the Indian problems, says in his *Letter to the People of India* "that it is the duty of those who govern the whole British Commonwealth to do everything in their power to enable Indians to govern themselves as soon as possible, and that Indians must also come to share in the Government of the British Commonwealth as a whole."



setting apart of the share of the Government of India and what is to be spent on the reserved subjects, the rest is put at the unrestricted disposal of the Minister.

My friend has also referred to the system of dyarchy or dual system of government, and that is the reason why I am not in a position to swear by the scheme which has been adumbrated in this report. I am making in my proposals a suggestion on the scheme, which will minimize the difficulties or defects of the scheme. The only plea that has been advanced, and that has been admitted by the Honourable Mr. Chintamani, is that the system which is being proposed in the report is not a system which is a recognized system, but it is a system which is devised under peculiar circumstances, and being for a transitional period, it must be open to those defects. I admit it, and I say that when my proposals are embodied in that defective scheme the result will be to minimize the defects, though not to remove them. I cannot claim to perform the impossible. I know that the system is defective, perhaps I may remove one of the defects, but not all.

My friend the Honourable Mirza Sami-ullah Beg says that there is just one reason why we should not have a cabinet system in these provinces, and the reason advanced is that it is in vogue in other parts of the world. Now he says we are making a new beginning and we must not attempt to copy other councils and institutions. I am not copying any institution. I am not asking any thing to be bodily grafted from some known system into this system. I am only asking for a very elementary thing, relating to responsible government. The one principle that has been admitted by the framers is that you have to be responsible to the electorates. That responsibility, I say, you definitely postpone for a term of three years.

The Honourable Mirza Sami-ullah Beg said that this Resolution will go against another Resolution of mine which has been accepted by the Council, with reference to the emoluments of the Ministers. I am afraid that my learned friend has not understood what I meant. It is not a question of salary being reduced. It really means not the cutting down of the salary of the Minister, but that the House has no confidence in him. It is not that the poor Minister takes a reduced salary, but he simply resigns and no further.

The Honourable Pandit Jagat Narayan has drawn an analogy

between the Ministers I have in contemplation and those who are under the Municipal Board. I submit that this is a very far-fetched analogy. If having regard to the peculiar circumstances, we recommended certain restrictions, or rather a certain safety and security in the tenure of the Office of the Chairman of the Municipal Board, the same reasons will not apply when there is a question of liability to the electorates at every step. There the Honourable Pandit Jagat Narayan thinks that he scored a great point by pointing out that I ask for a removable Ministry, whereas in the scheme framed by me the executive is not a removable one. Here again I will ask my friend to look at the different conditions. The scheme by which the executive is asked to be removable is a very different scheme from what we are discussing here to-day. We are going to be given a removeable executive by dribblets. I say, whatever dribblets we are going to have, let us have the whole at once. It is perfectly certain that if you have a full responsible government the executive must remain irremovable, but how long irremovable? If my honourable friend goes deeper into that scheme, he will find that there are provisions in that scheme also which show that after a time the executive may resist the will of the Legislature once or twice, but it cannot possibly resist it for the third time. However, it is not for me to suggest any other scheme or to attack any part of this scheme which I have moved. But I say that none of the objections that have been raised by the gentlemen, whom I have already dealt with, will really affect the position I have taken.

Then I come to the remarks made by the Honourable Pandit Gokaran Nath Misra. I thought he would accept the defeat which he received yesterday with a good grace, but my friend has reiterated the same reasons again and his great complaint is that you cannot in the very first life of the Council get anyone prepared to accept office under such precarious circumstances as to be at the mercy of an inexperienced Council. In the first place, I have no such lack of faith in the capacity of my countrymen and in the capacity of those who will enter public life and seek election at the polls. In the next place, I submit that that would be one of the reasons for all responsible men to induce them not to exercise the powers vested in them, except with the very greatest caution, and if they do exercise those powers without necessary care and caution, what would



be the result? Well, there may be mistakes. But have not the Right Honourable the Secretary of State and the Viceroy themselves admitted that political capacity can only come by the exercise of political responsibility, and in the course of the speech on the occasion of the budget debate in the House of Commons Mr. Chamberlain said:

“Progress in India must be through gradual steps. All this wisdom, all this sagacity, all this experience in political matters, by whatever country, is only to be gained by mistakes, and if there will be mistakes, as they are bound to be, you must be prepared. As you learn by your mistakes, so allow them to learn by theirs.”

It is said that you must learn to stand before you walk. I submit that we cannot learn to walk unless you give us the opportunity to exercise the function. If we keep lying down all the time, then good-bye to all benefits of exercise. I do admit that there will be difficulties in the beginning. There have been difficulties in all countries, in all ages, when such experiments have been tried. This is not the first time and this is not the first country in which reforms of this nature have been introduced. So far as Canada is concerned, we heard yesterday in the remarkable speech of the President that it was granted at a time when the French and the English Canadians could not meet together and talk out on any subject amicably; then their commerce and trade were going to rack and ruin. They must have made blunders; they must have muddled; they must have committed mistakes, and we only ask that if we do the same, please, do not condemn us. For these reasons, I press the Resolution for the acceptance of the Council.

[The motion was rejected]





PART THREE

# LEGISLATIVE ASSEMBLY SPEECHES





## VIII

# Constitutional Reforms I

*Speaking while moving amendment to the Resolution<sup>1</sup> of  
Diwan Bahadur T. Rangachariar re: grant of full self-  
governing dominion status to India on 8th February,  
1924.*

Sir, I beg formally to move the amendment that stands in my name. It runs as follows:

“That the following be substituted for the original Resolution:

“This Assembly recommends to the Governor-General in Council to take steps to have the Government of India Act revised with a view to establish full responsible Government in India and for the said purpose:

- (a) to summon at an early date a representative Round Table Conference to recommend with due regard to the protection of the rights and interests of important minorities the scheme of a constitution for India; and
- (b) after dissolving the Central Legislature to place the said scheme for approval before a newly-elected Indian Legislature for its approval and submit the same to the British Parliament to be embodied in a Statute.”

Sir, I am very glad that I have had an opportunity of listening to the speakers who have preceded me. I hope now to be better able to deal with my proposition and with the position which I mean to lay before the House for its acceptance.

As will be seen, the proposition divides itself into three parts. The first declares the goal; the second and third the various stages

<sup>1</sup> “This Assembly recommends to the Governor-General in Council that he be pleased to take at a very early date the necessary steps (including if necessary procuring the appointment of a Royal Commission) for revising the Government of India Act so as to secure for India full self-governing dominion status within the British Empire and Provincial Autonomy in the Provinces.”

Resolution moved by Diwan Bahadur Rangachariar on 5th February, 1924.

which have to be gone through to reach the goal. Now, so far as the first part is concerned, there is no exception taken to it to-day in this House, nor, as far as I am aware, any objection has been taken before this outside this House. The whole controversy rages round the other two parts. But the Honourable the Home Member<sup>2</sup> has raised certain questions which have reference to the first part also and I shall beg with your permission to refer to them at a later stage of my remarks.

I wish, first of all, to thank my friend, Mr. Rangachariar, for the very graceful compliment he has paid to the Swarajists and for the welcome he has extended to them in this House.<sup>3</sup> I am particularly glad to find that my Honourable friend has admitted, though I do not know if he is aware of it, that he is not very far removed from a Swarajist. When referring to the glass dome and his intention to throw stones upon it at some future time, he was really saying what the Swaraj Party has been saying for some time past, and what the Congress, ever since it resorted to a policy of non-co-operation, has been preaching to the country. He is, or if he is not yet, he will, I hope, be a very valuable acquisition to our ranks, and we shall welcome him with open arms. Now, sir, beyond this I do not think it is necessary for me to deal with the remarks of my friend, Mr. Rangachariar, and I shall simply lay a few broad facts before this House in support of the proposition which I have the honour to move.

It will be seen, as I have submitted, that the first part of my proposition is unexceptionable. That there is a deep-seated desire for Swaraj in the country I do not think any one will doubt. That that desire proceeds from the natural cravings of the human heart for freedom, I do not think any one will seriously deny. That being so, I say the first and the last requisite for full responsible Government is completely established. According to all modern conceptions, what you have to look to is a genuine desire proceed-

<sup>2</sup> Sir Malcolm (later Lord) Hailey.

—For text of speech, *see* L.A.D., Vol. IV, Part I (1924), pp. 356-66.

<sup>3</sup> Referring to the Congressmen, who boycotted the elections in 1921, Diwan Bahadur T. Rangachariar said:

“Sir, 1921 was a blessed year in the working of the Reforms. We put our shoulders to the wheel, much to the annoyance of my friends, whom I am glad to welcome here to-day in this House.”

—*Ibid* p. 350.



ing from the natural instinct, to which I have referred, and the determination to attain that desire. That is all that entitles a nation, that is all that has ever entitled a nation, to complete self-government and complete responsibility. But I am not going to put my case so high to-day.

The desire for Swaraj, as all must be aware in this House, has passed through the usual stages of ridicule and intimidation, rather unusually prolonged, and has now, it may be said, and properly said, emerged from an ordeal of fire unscathed and pure. That desire has led different sections of my countrymen to different courses of action. It is all a question of the intensity of the feeling of each section, the point of view of each section and the mentality of each section of my countrymen. That each has been prompted and guided by the best of motives there can be no doubt whatever.

The question is: have we made out a case for the realisation of that desire? Well, what is asked for in my friend, Mr. Rangachariar's Resolution and what I ask for by my amendment is, without mincing words, a complete overhauling of the Government of India Act. The Honourable the Home Member has made a very strong case, or at least has attempted to do so, against that proposition.<sup>4</sup> Now, sir, what is the chief plank in his argument, and what is the great argument that has always been employed against any further advance in political rights to be given to the Indians? It is said that those who desire any further advance are precluded by the Government of India Act itself from making the demand, because the Preamble sets out in clear words that responsible Government will only be granted by successive stages and that Parliament shall be the sole judge of the manner and measure of each advance, or words to that effect.<sup>5</sup> And it is said that you

<sup>4</sup> Sir Malcolm (later Lord) Hailey stated that Diwan Bahadur Rangachariar's Resolution was opposed to the Government of India Act in two important respects. Firstly the pronouncement of August 1917 spoke of 'gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India'. That is also the term used in the Preamble to the Act; that is the term used in the Royal Warrant of instructions which adds, that 'thus will India be fitted to take her place among the other Dominions' . . . The second point is this, that the Preamble of the Act specifically provides for the realisation of its ideal by successive stages". —L.A.D. *op. cit.*, pp. 358-9.

<sup>5</sup> Preamble to the Government of India Act, 1919 provides:

"Whereas it is the declared policy of Parliament to provide for the increasing

have no business to come forward and ask for anything. It is for you to satisfy Parliament, to satisfy us who are the agents of Parliament here—I mean the Government—that you deserve a further advance and you shall have it but not before that. Now, sir, our answer, straight and clear, as unequivocal as the Preamble, is that that Preamble is bad, the whole law, the whole Act is as bad as could possibly have been devised to postpone, to stifle and to suppress the natural desire which I have already mentioned. That is what we say and we are perfectly entitled to say so. We feel that we must say so. What answer is it that the Act provides so and so, when the one reason why we do not want it is precisely because it provides so and so. Sir, it is arguing in a circle. We say that the Act has done a gross injustice to us in that Preamble and in the subsequent provisions of it which refuse to us the full rights of responsible Government that we demand. It is said:

“You will not have them because the Act does not allow you to ask for them, but leave it to the judgment of Parliament alone.”

Now, sir, I ask what special sanctity is there in this particular Act of Parliament that we must not say a word against it? Wherein does it differ from other Acts of Parliament, all of which may be modified or repealed at any time? We ask for the modification of this Act or for its repeal, whatever may be necessary, and in doing so I really do not know what unconstitutional or improper act we are guilty of. Well, sir, if it is true that we may ask for the modification of a piece of legislation which we take exception to, we are not going beyond our rights.

Then, the next question is: “Is the modification that we ask

association of Indians in every branch of Indian Administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire:

“And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken:

“And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples.”



for justified under the circumstances.” That really is the crux of the whole matter. It has been said—and I have been hearing a considerable amount of loose talk during the last three or four days outside this House—that the Act contains within itself enough to give us that from which we can grow, from which we can acquire more by the building up of conventions and things of that sort. I wish at once to dispose of that argument. I say that, so far as I am concerned, it will take very strong authority, and that of the weightiest character, to convince me that any conventions can grow so as to defeat the express provisions of a Statute of Parliament. They are simply talking as if this Statute did not exist. But, even if such conventions could grow, I submit we are not content to let them grow in the way in which it has been suggested. We wish that our rights should be formulated, recognised and clearly admitted, and not only admitted and recognised but actually conceded to us.

Now, as for the steps, the argument is that the Government are in fact doing the very thing that the Resolution and the amendment ask for, because what is called the working of the reforms constitutes the steps which are to be taken to secure the ultimate revision of the Government of India Act, and, in insisting upon the working of the reforms as they stand, we are doing all that is necessary to secure the revision of the Act and the inevitable establishment of responsible government after all the steps mentioned in the Act<sup>6</sup> have been taken.

<sup>6</sup> For the different stages mentioned in the Government of India Act, 1919, see the Preamble quoted at footnote 5, *supra*.

Section 41 of the said Act deals with the establishment of responsible government in India:

- (1) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a Commission for the purposes of this section.
- (2) The persons whose names are so submitted, if approved by His Majesty, shall be a Commission for the purpose of inquiring into the working of the system of Government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible Government, or to extend, modify, or restrict the degree of responsible Government, then existing therein including the question whether the establishment of second Chambers of the local Legislatures is or is not desirable.

Nor, sir, our submission is—and I am glad that the Honourable the Home Member has not been able to point to anything that I have said before I came to this House which conflicts with what I am going to submit now—we in the Congress have demanded ever since the year 1919 full responsible government;<sup>7</sup> call it Swaraj, call it dominion status, call it anything you like. The Honourable the Home Member has not paid attention to one very important fact that after the year 1919 the Congress has committed itself to a policy and a programme which were quite new and which had not been adopted before that year. I submit that it will serve no useful purpose except perhaps that of historical research to cite what the Congress said or what the leader of the Congress said in the years 1916, 1917 and 1918 and in previous years. From the year 1919 up to the present day the demand has been consistent that what we require is responsible government, that the Government of India Act is wholly inadequate and disappointing. The Congress has said that it will not rest until it has obtained either a revision or a repeal of that Act. That was the position under which the Act came into force and that is the position under which now it begins its second course.

At this stage my friend, Mr. Rangachariar, thinks that it is not so improper as the Honourable the Home Member thinks to ask for a revision of the Act. As I have said, sir, we have got to see other things besides the provisions of the Act itself if we wish to come to a right conclusion as to whether the time has come for its revision or not. What are we suggesting? We are not asking for complete responsible government to be handed over to us tied up in a bundle. We say we are quite capable of it, we are quite fit for it, but what is it that my amendment is suggesting? It simply suggests what the Honourable the Home Member says that we are not unwilling to do, but upon conditions. In fact, when you come to examine the position as disclosed by the speech of my Honourable friend, Mr. Rangachariar and the Honourable the Home Member, the whole thing resolves itself into this, are we going to take this Committee fettered with the condition which the Honourable the Home Member has proposed? In effect he says:

<sup>7</sup> For details, see pp. 30-33, *supra*.



“We stick to the principle of the Bill, we have no objection to exploring the avenues of improvement whether they are found within the four corners of the Act or without, but one thing must be certain and that is that we are not prepared to admit your claim to full responsible government or dominion status.”

I may tell you at once that, so far as my Party is concerned, it will take a round table conference, or committee, or whatever other name you may give it, but the scope of that committee or that conference must not be limited. It must go into the whole matter. It must have the right to recommend whatever it considers proper. After all, it has no statutory powers, it is not a thing which can bind all parties for all time to come. It can only make recommendations and upon those recommendations we ask the necessary steps to be taken to give them the sanction of law.

The fact is, sir, that my amendment has been considerably toned down to meet the wishes of friends who are not Swarajists in this Assembly. It seemed to me that there could be no possible objection taken to it from the Government side but, when we find that even such a mild, such a modest request as this simply asking for a conference to go into the whole matter to find out for itself what is to be done and what is not to be done, is to be subjected to conditions, then I really do not know what resolution would have been mild enough for the Government Benches to accept. However that may be, it is my duty to make my position as perfectly clear as the Honourable the Home Member has made his.

What we are asking for is not intended to convey something by way of a threat as has been believed in certain quarters and as has been hinted at by my Honourable friend the Home Member. We are putting before the Government an honest and a fair demand. This is the demand not only of the Swarajists but also of a very large number of the elected Members of this House, as the House will know by and by when other Honourable Members rise in their places to support it. It is not fair to tell us that you can only do this or you cannot do that. It is not fair to treat our demand as a threat and to threaten us in return with dire consequences if we dare to make it. What I say is this: whatever we can do in this

House, it is quite obvious that it must be done within the rules and within what is called the constitution.

Personally speaking, I say there is no constitution for India. I refuse to believe in this constitution. I agree to come into this Assembly and I am bound by the rules. That is the only thing that I consider binding. I do not think that anything deserves the name of a constitution for a country in the making of which the people of the country did not have a voice, and for that reason I say that I do not give it the dignity of a constitution, although I submit to the rules. Now, if we submit to the rules, it is open to us to do certain things under these rules in this House and in the Provincial Councils. If we can obstruct you under the rules, what is there to prevent us from doing so as an answer to the attitude that you adopt? Sir, I may at once say that the Swarajya Party has sought the suffrage of the electorates not to engage itself in the humdrum business of putting questions and getting answers and acquiescing in the process marked out in the Act itself for further stages of advance and similar things.

We have come here to do something which we have not been doing so far. I think it will mightily please my friends of the Congress who are known by the name of "no-changers" to hear what I am about to say, but I do not mind it, I have never concealed it. Sir, we have come here to offer co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here. If you agree to have it, we are your men; if you do not, we shall, like men, stand upon our rights and continue to be non-co-operators. Now what threat is there in this? When I say what I am, what threat do I convey? Am I conveying any new idea? If we conform to the programme of non-co-operation, are we doing something that we have not been doing? We have so far been working outside the Councils and this Assembly with a definite object. That object we have still in view, that object we consider perfectly legitimate. But we have come here because the dust and heat of the controversy which has been raging for the last three or four years, in fact ever since the inauguration of these reforms, has obscured the real issues. We have come here and our coming here affords an opportunity to clear those issues as no other opportunity can. We are here for that purpose. We are not here simply to wreck or to destroy. We have been



referred to as a Party of destruction, and wreckers. Yes, we are out to wreck and destroy things of evil, and, rightly or wrongly, we think that the present reforms are a thing of evil. We have come to ask you to meet us so that we may put our heads together—to hear us and to let us hear you and then to come to some definite conclusion. If we agree, well and good, if we do not we shall agree to differ, and the issues will be clarified. That is the thing. It is no business of ours to wreck things which we believe are doing good to the country. At least it will be admitted that we have no personal motives. We have no axe of our own to grind. We believe in a certain principle. We believe that our country has reached a particular stage, and that at that particular stage it is entitled to certain rights, which rights are being withheld from it. We say that we cannot get those rights by an armed revolution, by delivering a great thumping blow, which alone in other countries has gained freedom for the people of those countries. In the very nature of things we cannot do that and, therefore, we say, we shall simply not assist you. What law, what reason, is there which can compel us to co-operate with people who do not co-operate with us? However, I am not here, sir, to justify the principles of non-co-operation, but I certainly am here to say that we claim to be as much bound by our own principles as an honourable body of men has ever claimed to be, and that is all.

Now, it is said that the Act has been passed and the policy of the Act has been approved by a series of Prime Ministers. We were told by His Excellency in his speech from the throne that, during less than four years of the period he has occupied his exalted office, there have been no less than four Prime Ministers in England and four Governments and that each Prime Minister and each Government has approved the policy of this Act. Now, sir, that is certainly so. But I should like the Honourable the Home Member to answer the question, suppose there had been a dozen Prime Ministers and a dozen Governments in this interval of four years, would these reforms have been three times as good as they are to-day? I do not understand. Sir, I say with due deference, what has the change of Government or the change of Prime Ministers to do with a good or bad piece of legislation or with the fact whether it is suited to the circumstances of the country or not. Well, I think I would attach more value to the opinion of the Honourable

the Home Member than I would to those of all the Prime Ministers that have held office ever since the beginning of Parliament up to this date. Why? Because he knows what I know, perhaps more. My only trouble with him is that I cannot get him to feel as I feel. My trouble with Parliament, with Prime Ministers and with the British public is that I cannot impart to them the knowledge which my friend the Honourable the Home Member possesses.

Then there is the British public. It has been said that the British people must also be taken to have set their seal of approval upon these reforms, because there have been these frequent changes of Government. Well, sir, I should have imagined that this rapid succession of Prime Ministers and Governments only went unmistakably to show that your home politics are in a hopeless muddle and that you cannot either afford the time or have the inclination to pay attention to matters outside, strictly speaking, the circle of your home politics, such as India and dominion status for India. But, however that may be, it is a fact which I know personally, and which my friend Pandit Madan Mohan Malaviya also knows, as we have both tried to gain a hearing at the bar of the august body known as the British people or the British public, that it is impossible under the best of conditions for Indians to secure a hearing in that great tribunal. We tried to do so and everybody knows how miserably we failed. It is impossible for us to approach that body. We can approach the Prime Minister; we can approach the Secretary of State; we can approach the Honourable the Home Member here and the other Government Members but the British public is altogether intangible and is something like the will-o'-the-wisp which the further we follow the further it recedes. That is our experience. We, therefore, decided for want of anything better to depend upon ourselves and that is what we are doing.

Now, sir, the process laid down is nothing, I submit, but a reversal of the natural order of things. What the Government of India Act provides is that an extraneous authority has the right to determine the stages, the manner, the measure and the time for the advance of a nation to attain its freedom. I do not think there is anyone who will question now or seriously argue against the proposition that if there is anything by which nations and communities—big and small—should be governed and should be guided, it is their own will. The House will be pleased to observe that Clause 3 of my amend-



ment has a direct reference to and is suggested by the right of self-determination. Now, that is the principle which we want the British Government and Parliament to accept. That is the principle which it will be for the round table conference first to say whether it is prepared to recommend and then for the new Legislature which I propose in the third Clause of my amendment to accept.

Now, sir, I may briefly explain Clauses 2 and 3. It will be observed that we have left out all details and we did so because we thought they would more properly form the subject of subsequent negotiations and subsequent conversations. But I must make it perfectly clear that the representative round table conference mentioned in Clause 2 must be really representative to the satisfaction of this House. It was intended at first to mention certain proportions but it was subsequently decided to drop them and to leave the word 'representative' there. That, I submit, is an essential condition of that Clause of the amendment. Then, when we come to Clause 3, I find that there is an amendment to that amendment for omitting that Clause because his amendment to that amendment of mine which is proposed by Dr. Gour. I do not know what his reasons are for omitting that Clause because his amendment simply seeks to drop the third Clause of my amendment.<sup>8</sup> I wish to hear his reasons when he moves it and, if I have no right of reply, I hope some Honourable Member, who will hear his reasons, will be able to reply to him. For the present, however, I content myself by saying that that Clause affords the only reasons for having a conference and provides the only way by which you can ascertain the will of the people. I can understand a certain amount of nervousness on the part of my friend about another general election, but I can assure him that he will receive the same assistance as he did last time—if he withdraws his amendment.

Another reason why we want this new Legislature to be elected

<sup>8</sup> Following was the amendment moved by Dr. H. S. Gour:

"That for Pandit Motilal Nehru's amendment the following be substituted:

"This Assembly recommends to the Governor-General in Council to take steps to establish full responsible Government in India and for the said purpose to summon at an early date a representative convention to prepare, with due regard to the protection of the rights and interests of important minorities, a scheme of constitution for India, and submit the same to the British Parliament to be embodied in a Statute.'"

—L.A.D., *op. cit.*, p. 387.

is the same as was put forward by the Honourable the Home Member. He wants the best of India to agree to anything that is to be done so that there will be no future difficulties on the score of the constitution or of the rules or of the exact rights which are going to be taken by us or given by the Government as it likes to put it. Now, I want also the best of India to come to this Legislature. As we are all aware, many of our best men are suffering from disqualifications and have not been able to contest the elections.<sup>9</sup> I want them to be here. As for the proposal of my friend, the Home Member, that he wants the best of the people to agree to the arrangement, I can only say that it will all depend upon the manner in which the best of India is approached or, if I may put it the other way, in which the advances or the approach made by the best of India are received by the Government.

Now, I shall try to answer the questions which have been put by the Honourable the Home Member. I will first make the general observation that all these questions are really answered by the terms of the amendment which I have put forward before the House, because there is nothing in that amendment, as I said before, which asks that something should be done to-day without consulting the very interests, the very persons which the Honourable the Home Member mentioned are very necessary to be consulted. His first question was: Is this dominion status to be confined to India or will it include Indian States as well, and, if so, on what terms? I say it all depends on our preliminary conversations. If the Indian States want to come in, let us have their representatives too. If they do not want to come, we do not want them. All the questions that have been put are, I submit, sufficiently

<sup>9</sup> Opposing the amendment of Pandit Motilal Nehru Dr. Gour stated:

“Two stages are adumbrated in clauses (a) and (b) of Pandit Motilal Nehru’s amendment. First in chronological sequence there is to be a conference, if the conference decides upon a scheme, then there will be a dissolution, and after dissolution, the scheme prepared by the Conference must receive the approval of a newly elected Legislature . . . If the conference decides nothing, the whole of the amendment falls to the ground . . . But assuming for the sake of argument that the conference decides upon a scheme and it is submitted to the country and the country then returns a fresh Central Legislature and they disapprove of it upon grounds upon which you and I would not agree, then again the scheme comes to nothing.”

—L.A.D., *op. cit.*, p. 385.



answered by one or the other clause of my amendment.

Then the next thing was that dominion status, of course, implies protection of the dominion by its own armies. I do not realise that and we are perfectly willing to confer with you as to how that may be done. We do require men to protect our dominion with our own armies, but is it at all fair on your part to turn to us whom you have deprived even the use of arms, who cannot even have such training in the use of arms as you give in your schools and colleges? And why, because you have prohibited it. I say, is it fair of you to turn round and tell us "You have got to be armed; you have no Army and, therefore, you cannot have dominion status." What Army have you got? Is it not the Indian Army—I do not say it is the whole Army that protects us but is it not the largest factor in the British Army in India? I need not go into what the Indian Army has achieved because that is a very long story and everybody knows it. Were they Indian soldiers or were they not?

When it comes to the carrying on of the government, I find three distinguished countrymen of mine on the Government benches. You talk of Hindu-Moslem differences. Well, without prying into official secrets, I think I may ask for information whether these three gentlemen—one from Bengal, the other from the Punjab and the third from Madras—whether these gentlemen, when deciding matters relating to the administration, have been flying at each other's throats in the Executive Council Chamber. I mean, what is there that cannot be done if, of course, the proper steps are taken and it is the taking of the proper steps upon which we lay special insistence. The steps may take some time; I do not say that everything has to be accomplished in a night. But to say that you are not entitled to it and you will not get it because we have said so—that is a position of great unfairness to which we are not going to submit.

Then the next question is, there are these communal differences. Of course, communal differences there are. Unfortunately they exist. We have not denied them. But as my friend the Honourable the Home Member has read an extract from the Congress Civil Disobedience Inquiry Committee, where the existence of these communal differences has been admitted,<sup>10</sup> perhaps he will

<sup>10</sup> Referring to the Report of the Congress Civil Disobedience Committee,

like to hear what he has overlooked—the remedy suggested and the reason for it.

Now in that report we find—paragraph 70 begins thus (I have not got the report but I read from the Annual Register.<sup>11</sup>

“The Prime Minister of England in the famous speech recently delivered by him in the House of Commons has thus justified the maintenance of the Indian Civil Service for all time to come:

‘There is great variety of races and creeds in India, probably greater variety than in the whole of Europe. There are innumerable divisive forces there, and if Britain withdraw her strong hand, nothing would assure except divisions, strife, conflict and anarchy’.”

The report proceeds:

“Now the strong hand of Britain is the ‘British Civil Service in India’. Remove the cause of ‘divisions, strife, conflict and anarchy’ and you take away the sole justification for the continuation of that distinguished service. There can be no question that inter-communal differences constitute the sole cause of ‘divisions, strife, conflict and anarchy’ and the inter-communal unity which means the removal of that cause means also the removal of all justification for the continuance of the Civil Service.”

Then, after dealing with the causes, the Committee go on to say:

“The only radical cure for the disease is the entire elimination of the mischief-maker; but that, in view of the conflict of interests we have pointed out above, cannot happen unless and until the costly maintenance of the Indian Civil Service ceases to depend upon ‘divisions, strife, conflict and anarchy’; in other words, unless and until Swarajya is fully established.

Sir Malcolm (later Lord) Hailey said that the “Committee itself confesses that the great difficulty in any advance lies in the religious susceptibility of the Indian people.”

—L.A.D., *op. cit.*, p. 363.

<sup>11</sup> Mitra's, Vol. I, 1923, p. 91.



It is only then that the mischief-maker will lose his occupation and think of some other opening for his activities.”

But, sir, it is said by my learned friend that in spite of these differences he is willing to have some sort of inquiry. He has excluded certain things, however, from that inquiry, namely, the question of the immediate grant of dominion status, and he has not given us full information as to what are the questions on which he would go to this Committee for inquiry. He has indicated that the advance that is necessary may be found within the four corners of the Act itself or that it may be necessary even to recast some portions of the Government of India Act; but not wholly modify it as is demanded by the Resolution of my friend and by my amendment. That is a question, sir, which does not arise at the present moment.

I should like to say one more word, sir, before I sit down and that is that the opportunity which this occasion offers is an opportunity which should not be thrown away either by the Government or by us. It will serve no useful purpose to continue the state of things which has existed during the last few years. The Government is very well aware that there is a section of the public of India which cannot be entirely ignored and which demands for the country certain rights and is prepared to put those rights before you, but is not likely to be frightened away by threats. It is not prepared to submit to conditions which are foreign to its policy, but is fully prepared to bear all the consequences of its action, action which it has decided upon after mature and deliberate consideration. I say this simply because the tone of the debate as set by my friend, Mr. Rangachariar, was different to the tone of the debate as modified by the Honourable the Home Member. I have said already, and I repeat it again, that we are not here to threaten anybody, nor even in our activities outside is it any part of our business to threaten anybody, and I submit that what is taken as a threat certainly was not intended to be a threat. All that we want is that you should consider the proposition which we place before you in the same mood without saying that this thing or that thing will happen to us. It must be remembered that we, some of us at least, have burnt out boats behind us. We take our stand upon these rights, and it does not matter to us in

the least what happens so long as we go on rendering such service to our country as we believe our country is entitled to.

Now, sir, I do not propose to go into the distinction, the fine distinction, which the Honourable the Home Member has drawn between responsible Government and dominion status<sup>12</sup> and all the rest of it, but all I ask, and the whole object of my remarks is, that the Honourable the Home Member should reconsider his observations in regard to the conditions that he wants to impose upon either a Committee or a Conference or other agency which may be appointed. If he can see eye to eye with me on that point, if he agrees to remove all the conditions on behalf of the Government, then it will be for the Conference to make recommendations. The Government will be represented and every possible interest will be represented.

<sup>12</sup> Sir Malcolm (later Lord) Hailey said that there was a substantial difference between responsible Government and dominion status. "The term full Dominion Self-Government" is of somewhat wider extent, conveying that not only will the Executive be responsible to the Legislature, but the Legislature will in itself have the full powers which are typical of the modern Dominion. I say there is some difference of substance, because responsible Government is not necessarily incompatible with a Legislature with limited or restricted powers. It may be that full dominion self-government is the logical outcome of responsible Government, nay, it may be the inevitable and historical development of responsible Government, but it is a further and a final step."

—L.A.D., *op. cit.*, p. 358.



## IX

# Constitutional Reforms II

*Replying to the debate on 13th February, 1924, on his amendment which he proposed on 8th February, 1924 to the Resolution of Diwan Bahadur T. Rangachariar regarding grant of full self-governing dominion status to India.*

Sir, I thank you for allowing me this opportunity to speak, as I understand that you are going to put the proposition of Dr. Gour<sup>1</sup> at an early stage of the debate. I would beg your permission to deal with it after I have made a few general remarks.

Sir, when I rose to make my opening speech, I congratulated my friend, the Honourable Mr. Rangachariar, for having unconsciously admitted that he was a Swarajist. I am to-day in the happy position of being assured in unmistakable language by my friend, Sir Basil Blackett<sup>2</sup>, that we are all Swarajists here.<sup>3</sup> Well, that is a sign of encouragement and of hope. We find that there has been a considerable change in the view point of the Government Benches during the last five weeks and I hope and trust that, before we come to the end of this debate, there may be a still greater change in that viewpoint and differences may be minimised. I shall not enter, sir, into an unprofitable comparison between past administrations and the present administration. I shall content myself with uttering what is a truism, namely, that India is thoroughly discontented at this moment. It will serve no useful purpose to lay the blame in any particular quarter and to protest innocence for some other quarter. The fact remains that discontent is there, and that this discontent is political in its nature. It may have for its foundation, for its origin, economic and other causes

<sup>1</sup> For text of Dr. Gour's amendment, see footnote 8, VIII *supra*.

<sup>2</sup> Finance Member.

<sup>3</sup> Referring to the introduction of self-government, Sir Basil Blackett said:

"We are all Swarajists to-day, but we differ as to the pace at which Swaraj is to come into force, and we differ as to the method by which it is to be considered at the present time, as to the practicability and desirability and the extent of the advances which are possible at an early date."

—L.A.D., Vol. IV, Part I (1924), p. 539.

also, but mainly it is of a political nature. Now that being so, and it being admitted that we are all for establishing responsible Government in this country, the only difference being that of degree and method, the question resolves itself into whether<sup>4</sup> the stages which the Government of India Act provides and upon which the Government Benches rely are the proper stages, or those which I have submitted to this House in the shape of an amendment<sup>5</sup> to the Resolution<sup>6</sup> of my friend, Mr. Rangachariar. Sir, it appears that in this matter the ordinary course of things is being reversed. We find that the sober morning coat is being reversed. We find that the sober morning coat is for delay while the more sober if somewhat cumbrous dhoti is all for expedition. I hope that we shall soon come to an understanding upon that point too.

Now, sir, the great point which has been made by the previous speakers and which has been referred to by Sir Basil Blackett in his speech arises out of the theory of "trust" and "trustee". I have often wondered as a lawyer as to what that may mean. Who is the author of this trust? Where is the appointment of the trustees, and who are the trustees? We find that the English people came to this country as tradesmen; they thought it would be a good thing to remain here; the climate did not then so disagree with their constitution as it seems to do now. Well, then they thought they might as well try their hands at governing the country; they did so and they succeeded. Now, sir, I do not know by what process this can be said to have brought into existence a trust. Is it a legal trust? Is it a moral trust? What trust is it? If they say it is a trust reposed in the hands of the English people by Providence, if they say that the ways of Providence are inscrutable, I do not claim to pry into the secrets of Providence. I, as a human being and an ordinary mortal, can only look at the ordinary ways in which trusts are created, and I find that this extraordinary trust is foreign to all those ways. But let us for a moment take it that it is a trust. The whole question is, what is the best and the most honest manner of discharging the trust at this particular moment? The manner that I have suggested in my amendment is that the

<sup>4</sup> See footnotes 5 and 6 at VIII *supra*.

<sup>5</sup> For text of Pandit Motilal Nehru's amendment, see p. 101, *supra*.

<sup>6</sup> See footnote 1, VIII *supra*.



trustees should hand over the trust property to the *cestui que* trust, that is the most honest thing in the world to do. That is the only way of terminating the trust honourable to both parties, and in a manner which cannot be taken exception to. The other methods are, of course, those which have been followed in other countries, and which, as my friend Pandit Madan Mohan Malaviya has just said, do not commend themselves to us.

Now, sir, the next thing to consider is, what are these stages? It has been variously estimated that those stages would cover 15 to 20 years. Well, sir, whatever may have been the estimates made previous to the war, whatever may have been the conditions then prevailing, we have it now declared by the highest authority that the whole world—and I imagine India is a part of the world—that the whole world has progressed, has made the progress of centuries within as many weeks. However that may be, we know that there has been a great change in the aspirations of India. There is, I admit, a certain amount of impatience also, but the proposition I have laid before the House is a compromise, I submit, between the two extreme views. You say that we are in the first stage, and that the first stage has been granted to us by Parliament. I ask in all seriousness and in all earnestness, what does this first stage mean? What can we do to-day under the constitution as it stands that cannot be undone to-morrow under some Act, some Executive Act under the Statute itself? Is there the least little thing that can be done by this House and by the authority of this House which this House has the right to enforce if the Government is not disposed to agree to it? I submit that my study of the Act has revealed no such power in us. There is no element of real responsibility in this first stage that has been so much talked about.

Autocracy, sir, will not cease to be autocracy if it is merely clothed in the garb of parliamentary forms, and yet my study of the Act and my study of the rules and what I know of the working of the reformed constitution during the last three years convinces me that all that has been done is to invest autocracy with parliamentary forms. That, sir, is not the thing we want. It may be that you may find some little power here and there in the rules or in the Statute with the aid of a microscope; but, sir, that is far removed from what I take it is admitted now to be our just claim and what it is now admitted we are fully entitled to. At any rate it is very far from what

my amendment asks for. That, I submit, is after the maturest consideration put forward before this House as the minimum demand that we, as the representatives of the people, can put before the Government on their behalf.

Now, sir, some time ago, I made a note which by a happy accident I happened to turn up only yesterday. That was a note taken from Baring's *Russia*. It says:

“On the 30th October 1904 the Czar promised, first, the creation of a deliberative and legislative Assembly without whose consent no new laws could be passed. Secondly, full rights of citizenship, the inviolability of the person, freedom of conscience, freedom of the press, the right of organising public meetings and founding associations.”

This is at page 14 of Baring's *Russia*. I have not got the book but my note shows that the passage occurs in the introduction. Then we find at page 123:

“Coupled with this free grant of the right, there was a retention, a reservation, of unlimited autocratic powers in the Czar and his Government.”

We all know—it is a matter of history—what happened after this. There were indiscriminate arrests and terrorism in the land. On a representation being made, what was the reply of the Czar? He said:

“The Emperor has not withdrawn anything he has given. He has merely not done what he never said he would do, namely, voluntarily abdicating his autocratic power.”

Now, sir, I do not for a moment mean to suggest that it was the intention or that there was the remotest idea of giving us a reply like this in the minds of those who framed the present Act or of anyone who was concerned with it in any degree. But, looking at it as a business man, as a lawyer, as one accustomed to interpret language according to the meaning it can bear and not according to the pious purposes and objects which may have been in the minds of the person who used the language, I say that there is nothing to



prevent the British Government or anyone on its behalf from saying that the power—the autocratic power—being there, you withdraw nothing that you have given. This power—if you do not like to call it autocratic, we will say the power of veto, the power to override, the power to undo all that we do—being there, you withdraw nothing and thus during the first stage both autocracy and reform go on working merrily together. That is the first stage of responsible Government. Even at the last stage, I submit, if we follow this procedure, we shall, unless real responsibility is transferred to the hands of Indians, still be in the position in which we now are, and at any moment something may be done by His Excellency the Governor-General<sup>7</sup> or by other executive authority which will have the effect of doing away with our most valued privileges and rights, just as was the case in the matter of the application of the Criminal Law Amendment Act. However, I will not go further into that question. All I need say is that the stages which are laid down in the Government of India Act or which have been contemplated by the rules are not the stages which are acceptable to the country at all. Sir Basil Blackett has referred to tracks, bridges and roads well used and well understood.<sup>8</sup> May I ask Sir Basil Blackett if he can tell me whether any two nations have ever travelled along the same road for arriving at their freedom, and attaining full responsible Government? Each nation, sir, has gone its own way and, as my friend Pandit Madan Mohan Malaviya put it, we, under the compel-

<sup>7</sup> Lord Reading.

<sup>8</sup> Explaining the difference of approach between the people and the Executive in regard to responsible government by way of a metaphor, Sir Basil Blackett said:

“Those who appear here in sober morning garb, want to proceed safely and steadily along well marked tracks, along well built railroads and good macadam roads. They want to be protected during their journey against attacks from the hills on the Northern side of the track. They want to be protected against highwaymen and bandits in the wilder regions through which they pass and they want to see that the bridges and culverts and embankments along which their road lies are secure against thunderstorms during the journey. On arrival at their destination they want to have sufficient supplies and a well trained staff in order that they may settle down comfortably . . . There are some of us here whose loins are girt and whose feet are shod for a speedier progress, and they are impatient at the slow march that is necessary for the moving of a multitude.”

—L.A.D., *op. cit.*, pp. 539-40.

ling necessity of the case, have chalked out a way for ourselves.

Then, there is the old question of the British Parliament being the sole judge. I dealt with it in my opening remarks, and I shall not detain the House by repetition. But in regard to the Royal Commission which is contemplated by the Act, I will only say that a Royal Commission will not be acceptable. What we want is either a round table conference or a convention or something of that sort. As I said before, there is nothing in a name. You can give it any name you like. But a Royal Commission, we know what it is. There have been Royal Commissions before, and there is one in our midst at the present moment. What are the materials which the Royal Commission would put before the sole judge, the British Parliament. It will take evidence. What will be that evidence? It will be official and non-official evidence. One will cancel the other, and we shall remain where we are. We do not want it, sir. We do not think any case has been made out, after the admission that there must be an advance, that the Royal Commission should come at a huge expenditure to explore the avenues of further advance.

In fact, sir, I think, so far as the British public and the British Parliament are concerned, my Honourable friend the Home Member and his colleagues with a few important personages out here and in England, if they can, if they so desire, make Parliament see very differently to what it has been seeing so long. It is the persons who advise the Crown that count, and Commissions and Committees and Conventions do not count with a House of Parliament, 7,000 miles away, but they will count with me who is personally concerned.

Now, sir, I am afraid I cannot deal with all that has been said about my amendment by the gentlemen who have preceded me, but I will say this that the offer my amendment makes is an offer made on the square without any mental reservation. It is for the Government to say whether they would accept it or not. It affords an opportunity, I submit, to the Government to right itself with the people, and to the people to right themselves with the Government. We know that in December 1922, the very thing I am asking for, the Government was willing to grant—at least His Excellency the Viceroy was willing to give it to us if certain conditions had not existed. Well, those conditions do not exist now and I ask the Government whether the demand that is now put forward on behalf of the people is less opportune than it was in the year 1921 minus



certain conditions which then existed. Now, sir, this is an opportunity which I would beg the Government Benches to bear in mind ought not to be thrown away. Opportunities like this do not occur every day. So far as we are concerned, sir, we can but do what we have been doing. There is nothing else in our power. We cannot make you see things as we see them except by inviting you to give us a chance of explaining things to you and of having things explained to us.

As I sat down to-day in my seat, my Honourable friend Mr. Calvert reminded me of the inevitable result of Swaraj. He said it would bring anarchy, and he cited the instances of Russia, China, Italy and other countries where there has been anarchy. There may be a dozen other countries. But what I ask in all seriousness is: Are we pursuing the same methods for our Swaraj as those other countries did, which resulted in anarchy? Are we not merely asking you for a convention or a round table conference? Are we doing anything which is going to lead to anarchy or disorder of any kind? Is it not, sir, the fact that, if there is anything in the world which is likely to restore old relations and to obliterate the sad memory of past events, it is the sort of conference which I suggest?

Then, as to the special interests. Every interest, as I have already submitted, will be fully represented. A conference is not a Parliament. It is not going to enact a law straight away which will effect British capital or the Muhammadan interests or the interests of other minorities. Every minority will have the fullest opportunity of putting forward its case, and the Government itself will be the most important party to this conference. Those who say that they are safe in the hands of the Government and accept the guardianship of the Government for all time will have the guardians to look after their wards.

Then, as regards anarchy. There may be anarchy, if the present system of administration is continued and if our voice is not heard, or if the remedies—supposed remedies—which are now being adopted are continued to be adopted—you may talk of revolutionary crime. But what is that, sir, except an outward symptom of the real disease. Treat the disease and not the symptom. And the only treatment, by far the best treatment, for the disease, is suggested, I submit, by my amendment. If this offer is spurned, then, as I have said, we can only depend upon ourselves. We have tried to obtain justice by means of so-called constitutional and proper ways but we have

miserably failed. The one lesson that we have learnt is that we have to depend upon ourselves. Sir, we find ourselves in a position in which there is nothing for us but to follow the teachings of our faith and offer ourselves for a sacrifice to appease the wrath of the gods who have laid us low. But anarchy is not the thing for us.

Now, sir, with your permission, I will say one word on the amendment of Dr. Gour. I find that he has now come here. The sole argument advanced by Dr. Gour against a re-election, against the new Legislature, is that you have got so many uncertain elements in the case. First of all, he asks what is there to show that a round table conference would be a success, that we would come to a unanimous conclusion or decision in that conference. Then, he says, if we do come to a unanimous conclusion, what is there to show that the electorate will accept it and, if the electorate accepts it, what is there to show that this House will accept it. Then, finally my friend said : What is there to show that the Parliament will accept it and pass the Statute in terms of the draft.

*Dr. H. S. Gour*: Sir, I am very sorry to have to interrupt my learned friend. I never said that the Parliament will refuse it. What I did say was that if the re-elected Legislature passed the scheme and the Parliament placed it on the Statute-book, it will again involve a fresh election for the third time.

*Pandit Motilal Nehru* : Then the whole thing resolves itself into a personal equation. It is the trouble which my friend will have of standing for two more elections. Now, I do appeal to the patriotism of Honourable Members and request them to discard the personal experience that it is most troublesome to contest a general election and, if it were only possible to maintain the principle of my amendment, I would have been glad indeed, sir, to delete clause (b) to satisfy my friend Dr. Gour and others who do not like to risk a general election again, or perhaps two general elections. But without Clause (b) of my amendment, the very reason for it disappears; the very principle upon which it is based is entirely eliminated. I say that no Swarajist can agree to delete that Clause without committing a serious breach of faith with his constituency. He has been elected and offered himself to his constituency as a Swarajist, as one who was going to secure Swaraj according to the wishes of the people. My friend, Mr. Bipin Chandra Pal, yesterday said that the Swaraj he was looking for was the Swaraj of the poor man,



the poorest man. I am in entire agreement with my friend. But are not the persons whose Swaraj we are striving for entitled to have a say in the matter? So far as we, Congressmen, are concerned, I repeat again that it will be nothing but a breach of faith on our part to arrogate to ourselves the privilege of framing a constitution for all our countrymen outside this House. Then my friends say that we are representatives of the people who have sent us here. I say, so we are. But we have come here for a definite purpose. And we must not, in all honour, do a thing which really amounts to trespassing upon the rights and privileges of the people. I do not think there is any public man, either in this House or outside it, who has ever said that the Swaraj that he wanted was any other than the Swaraj of the people. You will remember, sir, most Honourable Members will remember, that, when asked by the Anglo-Indian Press, and by other critics, times out of number, to define what he meant by Swaraj, Mr. Gandhi refused to do so. He said :

“It is not for me, it is not for anyone to say that. It is for the people to say what is the form of Government they are going to have.”

And, if I am not mistaken—I am sorry I have not got the extract here—in his Cambridge speech, Mr. Montagu said that all these transitional stages are meant as experiments and that the real form of Government no one can determine except the Indian people themselves, according to their genius and according to their traditions. Now, sir, it is that form of Government which my amendment asks to be established in this country and I submit that no one is a better judge of that form than the people themselves. We cannot, therefore, arrogate to ourselves an authority which we do not possess.

And now one word, sir, in regard to the doubts of some of my Muhammadan friends about the communal proportions there will be in the representation at the round table conference to begin with and then in the Legislature which is to be elected, and afterwards in the administration of the country. Well, I can only say that these are the very questions for which I have asked for a round table conference or a convention. Honourable Members who have such doubts will do well to read the Report of the Irish Convention. I was looking into it yesterday. I have a copy with me and I can lend

it to them. They will find that in Ireland, although the nature of the differences was not the same as here, the number or the intensity of the differences was not less than we see prevailing here at this hour. And yet, while those differences existed, while there were the Ulster Unionists, the Southern Unionists, the Nationalists, and Labourites, all separated, as far apart as the poles, they all came together in the Convention. It was not once but more than a dozen times that they came to the breaking point, and it was only by the statesmanship of the British Cabinet and of the Irish patriots who were engaged in the Convention that all crises were passed over. They ended at last by arriving at certain conclusions which were afterwards adopted in a Statute of Parliament. I simply invite them to do the same, no one will commit himself in the least to anything by agreeing to this. I invite all interests, all minorities and all individuals to come and join us in a Convention and think out our own salvation for ourselves.

[Amendment moved by Pandit Motilal Nehru was adopted]



## X

# Civil Liberties

*Speaking on the Resolution regarding removal of restrictions in the way of Mr. B.G. Horniman to return to India, on 19.2.1924.*

I rise only to say one word lest my silence on this occasion should be misconstrued and that word is that I fully associate myself with the Resolution which has been moved by my Honourable friend Mr. Patel.<sup>1</sup> This morning I had a conference with my friend and we both thought that this was a Resolution which would not take more than a quarter of an hour in this House. We tried our best to discover what the Government could possibly say in answer to the demand which was contained in that Resolution. I confess, sir, that, used as I am to anticipate various arguments, I wholly failed to carry my mind into the channels in which the mind of the Honourable the Home Member has travelled. I heard his speech and what do I find? He declined to go into the merits of the case. He says that this is not the proper tribunal for it. But he gives his decisions and he says, “we hold by those decisions.” Then he says, “if we take a different view we shall change our mind and we shall allow him to come”. The House was kept absolutely in the dark as to what those reasons may be. Mr. Horniman is a dangerous character. Mr. Horniman has insulted the dignity of the Government. These are grave, yet very vague, charges which no human being can answer. Then, when a series of allegations were made by other speakers in the House and specially by my friend, Mr. Jamnadas,<sup>2</sup> the Honourable the Home Member got up and said it is not true that that was one of those allegations.<sup>3</sup>

<sup>1</sup> The following was the Resolution moved by Mr. Patel:

“This Assembly recommends to the Governor-General in Council that steps be forthwith taken to remove all restrictions in the way of Mr. B. G. Horniman to return to India.”

—L.A.D., Vol. IV (1924), Pt. II, p. 791.

<sup>2</sup> Mr. Jamnadas Mehta argued, while speaking on the motion, that the major crime committed by Mr. B. G. Horniman was when he exposed a conspiracy which was being hatched in U.P. and in which Mr. Lionel Curtis, Sir William Morris, Sir Valentine Chirol and Lord Meston were implicated.

<sup>3</sup> The Home Member, Sir Malcolm (later Lord) Hailey reacted strongly

So it comes to this, that the Government in depriving a man and an Englishman of his liberty have not the courage to come into the open and state the charge upon which they have deported him and they resort to a process of inanition. They hate other people coming forward with what conceivable charges may possibly have been in the mind of the Government and as to one of them they say "it is not true". That is a process of reasoning which I have for the first time in my life come across on the floor of this House to-day.

What is there to prevent the Government now, after five years have elapsed after the deportation of Mr. Horniman, saying what it was that he had done which merited the punishment from which he is now suffering. Is it not in the public interest to divulge that? If there is anything criminal in it, why not prosecute him? I cannot conceive of a charge which cannot be uttered, which cannot be proved and yet of such a grave and serious nature that you yourself are compelled to deprive one of your own compatriots of his liberty and keep him confined in England and rob him of all freedom of movement and of visiting any place he likes.

Sir, I need not go into any other arguments. All I need say is that the case made out for the removal of the restraints which still continue against Mr. Horniman is an irresistible one. It is an unanswerable one and one which has not been answered and not even attempted to be answered by the Honourable Member.

I, therefore, wholly associate myself with this Resolution.

[The motion was adopted]

against this observation of Mr. Mehta and refused to accept this as one of the charges against Mr. Horniman which caused his deportation.

—L.A.D., *op. cit.*, pp. 805-06.



# From Servility to Freedom\*

*Speech delivered in support of his motion "that the Demand under the head Customs be omitted" on 10th March, 1924.*

Sir, I beg to move:

*"That the demand under the head Customs be omitted."*

I thank you, sir, for the opportunity you have accorded to me at this early stage of the debate to address the House on this motion. It is necessary for me at the very outset to explain the exact meaning and scope of the motion. I have to thank you, sir, that you have in your preliminary remarks clarified the position so far as the principle

\*While proceeding to the consideration of the Demands for Grants on 10th March 1924, Mr. President put the question:

"That a sum not exceeding Rs. 73,17,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1925, in respect of 'Customs'."

Speaking on a point of order which he raised, Sir Malcolm (later Lord) Hailey said that the Assembly had before it various motions for reduction—by Rs. 100, by Rs. 12 lakhs and also "that the demand under this head be omitted". He was of the view that in case the motion for reduction by Rs. 100 was accepted, it would not be possible to put up the motion that the demand be omitted. The Honourable the Home Member, therefore, wanted a ruling from the chair as to the order in which the various motions should be considered.

Answering the point of order, Pandit Motilal Nehru quoted paragraph 131 of the Legislative Assembly Manual of Business and Procedure which read as:

"No motion for appropriation can be made, except on the recommendation of the Governor-General communicating to the Assembly.

"Motions may be moved at this stage [this stage being the stage of voting on Demands for Grants] to omit or to reduce any grant but not to increase or alter the destination of a grant."

According to Pandit Motilal Nehru, this rule sufficiently answered to the point-of order.

The President, while giving his ruling, said that he would allow Pandit Motilal Nehru to move his motion and thus "to have a general discussion on this demand for Customs" provided no further general discussion of that character should arise under any other motion to omit other grants.

—L.A.D., Vol. IV (1924), Pt. II, pp. 1 377-9.

upon which I base my motion is concerned. I may at once concede that it has nothing whatever to do with any criticism of the various items that are included in this demand nor with any grievance which may be connected with any particular branch of the Customs Department. I have no doubt that those who have studied the Budget and its various heads will be able to point to a number of items which should either be omitted, being such as should never have found a place in the Budget, or which, if they are allowed to remain there, should be very considerably reduced. I confess that I have not studied the whole Budget or this head particularly from that point of view, but I may, in passing, mention that there is one item which cannot escape the notice of even a cursory observer who turns over the pages, and that is the item of the excise duty on cotton. I do not, however, as I have already submitted, rely upon that or any particular item or put my case upon any grievance which may arise under it. To put it shortly, sir, I propose on general grounds to refuse to vote money for the needs of the Government of India. My grievance is not against this or that branch of the administration but against the entire administration of the Government of India. I have selected Customs simply because it happens to be the first item on the list of grants.

Now, sir, why is it that I make a grievance against the entire system of administration of the Government of India? The reason will be apparent to the minds of the House. It is nothing more nor less than the very unsatisfactory nature of the response which has been made to the Resolution which this House passed by a large majority last month on the subject of the establishment of responsible government in India.<sup>1</sup> I say that I am perfectly entitled, sir, to stand on this ground, and I may at once inform the House, especially some of the more nervous Members of it, that it has nothing whatever to do with what has been described as the wrecking or destroying policy of the non-co-operators. It is a perfectly constitutional and legitimate means of bringing a very serious grievance to the notice of the Government, and, when other remedies have failed, it is the only course open to people who have outstanding grievances. I wish here to point out to the House that I am using nothing which is by any means the special property of the non-co-operators. I am indeed doing nothing new as will appear from the following para-

<sup>1</sup> For details, see VIII and IX, *supra*.



graph in Taswell-Langmead's *English Constitutional History*, which deals with this matter. It is to be found on page 290 and runs:

“The dependence of supplies on the redress of grievances originated under Richard II. It had previously been usual for the king not to answer petitions until the last day of the session, when the supplies had, of course, been granted. The attempt to invert this order of proceeding had been declared by Richard II's judges to be high treason. But in the second of Henry IV, the commons again endeavoured to secure this important lever for the application of parliamentary power. The king resisted firmly and the commons gave way for the time, but the practice gradually gained ground.”

Now, I wish particularly that Honourable Members will bear clearly in mind the difference between the effect of a motion of this character when it is raised in a free House, in a House to which the Executive Government is responsible, and when it is raised in a House like this in which the Executive Government has the serene satisfaction of doing what it pleases, whatever we may say or we may do. It is important to understand the exact nature and effect of such a motion as it varies with the power of the House in which it is made. To show what it is in England, I would beg permission to quote from the English translation of the book entitled *The Budget*, originally written in French by Rene Stourm, which is a standard book on the subject. I read from page 385. This is what Fox said in the House of Commons on February 20th, 1784, in the course of his long continued controversy with Pitt, with which the House will be familiar as a matter of history:

“It cannot be contested that the Constitution gives to the House the right to refuse the funds; but this is a weapon which the House must use with caution and only when the public cause imperatively demand such action. I shall always uphold this right... This is a struggle between the prerogatives of the Crown and the prerogatives of representatives of the people. The Chamber should use all the means within its powers to defend these privileges; this is a duty which the Constitution imposes upon the House. To withhold the demanded funds is the most powerful

of all weapons, and must, I admit, be used in the last resort. If the ministers should persist in their obstinacy and push things to the extreme, it would be perfectly proper to use this right which makes the distinction between a free people and the slaves of an absolute monarchy.”

Now, I beg Honourable Members to bear clearly in mind the distinction pointed out here between a “free people” and the “slaves of an absolute monarchy.” In the case of a free people, what are the consequences that follow a motion of this kind, if it is allowed? Here they are at page 381 :

“To refuse to vote the budget! One can scarcely conceive the consequences of such an eventuality. If the year were to open without the budget having been voted, the landholders could not get their interest; nor the pensioners their pensions; the tradesmen would beat in vain at the gates of the Treasury; the officials would work without salaries; the schools would be closed; the Army would be deprived of its pay, of its livelihood, of its equipment, of its provisions. All the functionaries of the State, that is to say practically everybody, would find himself affected; the activities of the country would be paralysed.”

That, sir, is the result of a vote on a motion of this kind being carried in a free country and in a House where the Legislature has an Executive subordinate to it. But what are the consequences here? Instead, as described here, of the tradesmen beating in vain at the gates of the Treasury, all that can happen after we have passed this Resolution is that tradesmen and others will only beat their own heads instead of beating at the gates of the Treasury when the Demand is restored. I may be allowed to read another little extract which shows that, even when grave consequences follow in free countries, it is the incumbent duty of the representatives of the people to resort to the motion and to carry it notwithstanding all these consequences, if the nature of the grievance justifies it. This is at page 389 of the same book and is taken from the debate in the French Chamber of Deputies :

“Perfectly independent legislators, imbued with the sanctity



of their duties, should not be afraid to refuse to vote the Budgets if the latter fail to give them the desired guarantees against abuses. Nothing is less surprising than the fact that individuals in power are of a different opinion and that they fear such procedure likely to over-turn the State...but that individuals, who take no part in the plunder, should consider this useful firmness a dangerous extremity, is a sign of weakness which protects extravagance and corruption and is an accomplice to the downfall of governments”.

I need not give any more extracts. I may mention that since the year 1784 it is stated in this book that such a motion has never been made in England. And why? Because the occasion never arose to make such a motion. The development of the constitution made it impossible for the Government in power to resist the will of the people even for one second, to say nothing for a longer time. The right is still there, but it is a right which has been correctly described as a weapon lying rusty in the armoury of the constitution. That is so in England. We here, if we are to do our duty in this House, have not to take out a rusty weapon from the armoury but to forge one clean and burnished and get familiar with its use to protect the rights of the people whom we represent after acquiring the power to do so. For the present what is the effect? The highest that it can be put at is that it will amount to a strong protest—as strong as this House can make—against the action we complain of.

The helplessness of the representatives of the people cannot be better illustrated than by the discussion of the Budget in this House.<sup>2</sup> We assembled last week in this Chamber in all seriousness as representatives of the people to consider demands approximating nearly 150 crores—more accurately Rs. 131 and odd crores—as if we are going to apply this huge sum for the benefit of the people and in doing so were exercising our independent judgment. But, we were only doing something like what children playing at soldiers do. There were all the parliamentary forms; there were all the parliamentary paraphernalia; there were the formalities and the conventionalities; but what was the substance? Where did the substance lie? Had we at any time in the course of the discussion, or have we to-day, any real control over the most insignificant

<sup>2</sup> For details, see L.A.D., *op. cit.*, pp. 1143-206 and 1207-70.

item entered in this Budget? Of course, we can have our say and after we have had our say, it will be for His Excellency the Governor-General to consider what is essential for the administration and what is not and whatever is essential he will certify.<sup>3</sup>

Now, Honourable Members will remember that when this Budget was introduced by my Honourable friend the Finance Member<sup>4</sup> the words of Lord Olivier<sup>5</sup> were ringing in our ears. They were first heard over the cables in the Reuter's message, rather disjointed and in sections, and, when they were so heard, they sent a cold wave throughout the country. That wave has now passed away. The fragments of that long message have now been pieced together. They have been considered by the country and the incessant cry from every quarter of India is "throw out the Budget". And why? Because the response made in the House of Lords is totally unsatisfactory and disappointing.

Well, as I have said, we cannot really throw out the Budget but we must do what we can and we have been allowed an opportunity to do what we can by raising a debate in respect of this item. What I say is this: It is not, as Lord Olivier puts it, that we, like cross children say, "We will not play." The real fact is that we refuse to play an unfair game in which both sides do not occupy an equal footing and equal advantages. We took the earliest opportunity of saying in this House that we cannot join in it until you revise the rules of the game. The rules have not been revised. No immediate or early prospect of a revision of the rules is held out. What is said is "We will see if we cannot within these rules find something which would make the actual play fair to you and fair to us." That was the reply given in this House by my Honourable friend, the Home Member.<sup>6</sup> When the cable from England arrived, after a good deal of expectation and the building of many castles in the air, it turned out that Lord Olivier was not prepared to go any

<sup>3</sup> Under Article 67A of the Government of India Act.

<sup>4</sup> Sir Basil Blackett.

(Budget for the year 1924-25 was introduced by the Finance Member on 29th February, 1924.)

—Text of speech, *see* L.A.D., *op. cit.*, pp. 1069-92.

<sup>5</sup> Secretary of State for India.

—Text of speech, *see* H. L. Debates, Vol. 56 (1924), cc. 320-44.

<sup>6</sup> For text of speech on the independent resolution, *see* L.A.D., *op. cit.*, Pt. I, pp. 356-66 and 752-66.



further, or advance the case any further at all than what my Honourable friend, the Home Member, had done in his speech in this House. That response, I submit, has been considered by the country at large as not only insufficient but highly unsatisfactory and disappointing.

Now, what are the grounds of our dissatisfaction with that response? Sir, my first complaint is that the position has not been correctly appreciated by the Secretary of State for India. He has brushed aside serious grievances lightly and has come to the conclusion that the distrust which undoubtedly exists in this country is due to "mistaken belief, ill-informed belief and ill-inferred belief", the belief here referred to being that expressed in the manifesto of the Swaraj Party.<sup>7</sup> I am not referring to it as anything special to the Swaraj Party, but because the Secretary of State has chosen to refer to that document. I do not identify the House, I do not wish to identify the House, with anything that is contained in that document but I think I can without fear of contradiction say that the sentiments expressed in that document are not sentiments peculiar to the Swarajists alone. They are sentiments which have been expressed almost from every platform, by men of every shade of opinion. Only yesterday when I was looking through the proceedings of this House for the last year I found that the same sentiments were expressed on the floor of this House by my Honourable friend, Mr. T. Rangachariar, when he moved a similar motion.<sup>8</sup> Although the belief which engenders the distrust in us is described by the Secretary of State as a "mistaken belief, an ill-informed belief and ill-inferred belief," we find that His Lordship with some inconsistency admits that there are things which do rankle very generally in our minds. That, I submit, is due to the fact that His Lordship has not probed our wounds deeper. I do not blame His Lordship for not doing so. He could, after all, have the material supplied by the Government of India to go upon and it may be that his materials were not so full as they ought to have been.

<sup>7</sup> For text of manifesto, see XLI, *infra*.

<sup>8</sup> The following was the resolution which Diwan Bahadur Rangachariar moved in the Assembly on 12 March, 1923.

"That the provision for pay of establishment under the head 'Customs' be reduced by Rs. 100."

—L.A.D., Vol. III(1923), Pt. IV, pp. 3241-3.

I need not go at any length into the omissions to be noticed in the important statements made by the Secretary of State but I shall just only mention a few which show that he was far from a correct appreciation of the situation as it obtains in India probably because the materials before him were insufficient. But before I mention those omissions I desire to express my appreciation, and I hope it will be shared by the House, of the extremely fair and courageous criticism of the Secretary of State of some of the incidents dealt with by him: notably, the exploits of General Dyer <sup>9</sup>, the famous "steel frame" speech,<sup>10</sup> the popular feeling against the certification of the salt tax<sup>11</sup>—the effect of which I am sorry has been minimised by a subsequent explanation—the very sympathetic treatment of the Kenya question,<sup>12</sup> and the Courageous declaration in regard to the

<sup>9</sup> Referring to General Dyer's action in Amritsar Lord Olivier said that had it been taken by his own officer that would have led to his immediate suspension from duty.

—H. L. Debates, *op. cit.*, c. 324.

<sup>10</sup> Refers to the speech of Mr. Lloyd George in the Parliament in which he compared the Indian Civil Service to the steel frame. Being carried away by his enthusiastic admiration of the Indian Civil Service, Mr. Lloyd George said:

"Whatever we may do in the way of strengthening the Government of India, one institution we will not interfere with, will not deprive of its functions and privileges, and that is the British Civil Service in India."

Lord Olivier pronounced this speech as "injudicious".

—*Ibid*, c. 325.

<sup>11</sup> On 20th March 1923, the Legislative Assembly rejected the Government's motion for doubling the salt tax. It was consequently certified by the Government of India on the plea that certification was essential for balancing the budget. Lord Olivier was not quite happy over this development and stated that this was a direct "slap in the face" and "stultification of principle of democratic government, that you shall not have taxation without representation, and that the representatives of the people shall decide in matters of taxation."

—*Ibid*, c. 327.

<sup>12</sup> Refers to the three decisions which were taken in regard to the Indian settlers in Kenya by the British rulers there:

- (1) Reservation of land in the highlands and the prohibition of its sale to Indians.
- (2) Immigration regulations to be laid down in order to protect the natives of Kenya against the economic competition of the natives of India.
- (3) Franchise question.

While speaking on behalf of the Indian interests, Lord Olivier said that he had the full confidence in the Secretary of State for Colonies and in his Under-Secretary, that they were going to do full justice in the matter.

—*Ibid*. cc. 328-9.



release of Mahatma Gandhi. As the House is aware, the Government of India and the Government of Bombay in doing the right thing have robbed it of all the grace that there was in it by assigning a particular reason, namely, his serious illness. Lord Olivier, less obsessed by the fetish of prestige, has now declared clearly that it was repugnant to human feeling that a man of his character, referring to Mr. Gandhi, should be treated as a criminal. Speaking for myself, sir, I recognise and acknowledge this graceful admission and I think it does to a certain extent, if not totally, remove the sting involved in the order of release.

To mention only some of the most important things that have been omitted from the consideration of His Lordship, I would first mention the Rowlatt Act, that disgraceful piece of legislation which was described by Mahatma Gandhi as "an unmistakeable symptom of deeprooted disease in the governing body." That, sir, coming after a chain of events, was really the last straw and the cause of precipitating the trouble. It would have been fair to Lord Olivier as well as to ourselves if he had been fully informed of the people's determined stand against that legislation, if he had also been informed of the indiscriminate oppression and repression which were resorted to and which afterwards led to many a disturbance of the peace and the loss of many an innocent life. All those violent measures were resorted to suppress the national outburst of feeling and not to check any organised crime or rebellion. Then, again, the campaign of repression which followed the application of the Criminal Law Amendment Act, I thought also had something to do with the present situation, but we find no mention of it in Lord Olivier's statement which professed to go into the causes of the prevailing mistrust. Then as to the Sikh trouble, no account of the Sikhs and recent events in their history can possibly be complete without a full description of the horrors committed in *Guru Ka Bagh*;<sup>13</sup> but there is no reference to it in Lord Olivier's speech.

<sup>13</sup> *Guru-ka-Bagh* tragedy, as described in a Congress chronicle stated: "In August 1922 commenced the daily martyrdom of the *Guru-ka-Bagh*, a sanctuary in Gurudwar. As a result of religious effervescence, one of the Sikh sects—the Akalis—wished to purify the sanctuaries. They had fallen into the hands of guardians of ill repute who refused to abdicate, and the Government took up their defence. One thousand Akalis settled near the sanctuary, while four thousand took up their abode in the Golden Temple at Amritsar, ten miles away. Every day, one thousand stately Sikhs from among the four thousand, many of whom

If there is one thing more than another which has exasperated our Sikh brethren, it is the doings of the authorities at *Guru Ka Bagh*.

I, therefore, submit that the inference of His Lordship the Secretary of State is justified, if it can be justified, more by his desire not to offend the Government of India than by his premises, because, as I have stated, he admits, even upon the facts submitted to him, that there are things which do naturally rankle in our minds and which ought to rankle in the minds of all human beings similarly situated. If His Lordship had gone deeper into the history of the Indian unrest, he would have found that the movement of non-co-operation was not a new movement never thought of before the year 1919. The unrest is a chronic disease more deepseated than Lord Olivier has taken it to be and for that I beg to draw the attention of this House to what that farsighted statesman, Gokhale, said in 1905 when there was no idea of starting a movement of this kind. He said on that occasion, I think it was in the Congress, when he was dealing with the question of the partition of Bengal.

“If the opinions of such men are to be brushed aside with contempt, if all Indians are to be treated as no better than dumb driven cattle, if men whom other countries would delight to honour are to be led to realise the utter humiliation and helplessness of their position in their own country, then all I can say is ‘good-bye to all hopes of co-operating in any way with the bureaucracy in the interests of the people’. I can conceive of no greater indictment of the British rule than that such a state of things should be possible after a hundred years of that rule.”

Four years later, in 1909, he expressed the same sentiment on the question of the Indians in South Africa, when he said:

had served in the war, left the Golden Temple after taking the vow of remaining true to the principles of non-violence in thought and deed and of reaching *Guru-ka-Bagh* or being brought back unconscious. Similarly, from the group of one thousand volunteers, twenty-five took the same vow every day. Not far from the sanctuary, the Police waited at the bridge with iron-tipped rods to stop the manifestation. With a wreath of white flowers around their black turbans the Akalis arrived every day before the Police and at a short distance they stopped and began to pray silently. The Police beat them with the iron-tipped rods, till blood began to flow and the brave Sikhs fell unconscious. It was a new heroism steeled by suffering, ‘A War of the Spirit’.”



“What is the passive resistance struggle? It is essentially defensive in its nature and it fights with moral and spiritual weapons. The passive resister resists tyranny by undergoing suffering in his person. He pitches soul force against brute force, he pitches the divine in man against oppression, he pitches conscience against might, he pitches faith against injustice, right against wrong.”

The result of what I have submitted so far is that our first grievance is that His Lordship the Secretary of State has not correctly appreciated the extent of our grievances and the real depth of our open wounds. Now I come to the response that he has made. I will not detain the House at any great length but I will take what the Honourable the Home Member said in this House as representing really the gist of what His Lordship stated in the House of Lords, because we have it from both high authorities that the statement in this House was made with the full concurrence of His Majesty's Government. What my Honourable friend the Home Member said here was in effect that there could be no present revision of the Government of India Act but that the purpose of the Government was high. Now, sir, so far as that is concerned we take it as a refusal of the demand which was put in the form of a Resolution of the House and our frank reply to that part of it which says that the purpose of the Government is high is that we have long since ceased to be satisfied with mere declarations of purposes, however high, unless they are accompanied by action. His Lordship the Secretary of State adopted the same line though in far more conciliatory language. He in effect says “we are willing to do everything for you. We are new. Let us settle down. We are trying to discover points of contact.” I have not omitted to consider very carefully the important concluding words of his speech expressing His Lordship's hope to discover these points of contact with the least avoidable delay. But what does all that come to? I submit it does not come to anything more than this: Here is a patient bleeding to death but the surgeon says “I am pre-occupied. I must take my own time to get ready to stop the bleeding.”

Now, sir, it must not be taken that I have not fully appreciated and am not thankful to Lord Olivier for the very conciliatory language he has used. It is not a case of our being reminded, as was done some time ago in the House of Commons, that the British people

were the most determined people in the world and that whatever representations we may make they would not change their intentions as regards the Government of India Act or the granting of responsible government to India. I am very glad that that tone has not been adopted by His Lordship the Secretary of State.

In passing, I may say that I for one fully concede the claim made by Mr. Montagu on behalf of the British people; but, if that claim is to be judged by what is happening in India, I say frankly that I do not envy the kind of determination which it implies. It implies a determination to withhold the rights of the people, or at least to postpone their grant indefinitely.

While admitting it to be a fact that the British are a very determined people, I may be allowed humbly to suggest that determination is not the sole heritage of Britishers and that it is a human quality, more human in those who stand upon their rights than in those who withhold the rights of others. But, as I have said, I appreciate the tone of His Lordship the present Secretary of State's response to us. I wish that sweet words could remove grievances. We have the misfortune of knowing and feeling things of which probably the Secretary of State is not even aware. For the rest, His Lordship's statement only draws attention to the difficulties of the situation. We all recognise that, but my submission is that the very moderate and modest demand that was put to the Government in the Resolution of this House would have been the most proper way of meeting the exigencies of the whole situation. It has not been given a fair consideration either here or in England. But I again, in order to avoid any misunderstanding, acknowledge the change in the angle of vision, if I may use a well-known phrase, which is apparent in His Lordship's statement. At the same time, sir, I feel bound to draw attention to the extreme urgency of the case and to the fact that the line of action foreshadowed by the Government of India and His Majesty's Government is wholly unacceptable to the country and, therefore, to us as representatives of the country. His Lordship has compared the present Government of India Act to a seaworthy vessel, and he says that it ought to carry us across if we get into it and row. My only answer to that is that it may be a seaworthy vessel but what we want is not only a seaworthy vessel but a vessel big enough for our cargo, large enough to accommodate the millions of passengers that have to cross over from servility to



freedom. For that purpose the vessel is not at all fitted.

Sir, the other day I quoted in another connection from a published letter of the present Prime Minister,<sup>14</sup> and before sitting down I only wish to remind the Right Honourable the Prime Minister of the last sentence of that letter which runs thus:

“Whatever form the governing machinery may take, two things must be granted. In the first place the Viceroy’s Council must be of the nature of a Cabinet and must be responsible to the representative authorities. In the second place India must have control of her own finances. I hope that broad-minded wisdom is to assist both of us to arrive at a happy conclusion.”

I submit, sir, that it is now time for the Labour Government to deliver the goods, and I maintain that we are perfectly entitled to withhold the payment of the price until the goods are delivered. We mean nothing more by passing this Resolution, because, as I have said, it does not amount really to an actual refusal of supplies. We in this imitation Parliament are doing something in imitation of the real right of the people’s representatives. This has only one result, namely, to bring it to the notice of the Government that so far as we are concerned we have taken the strongest possible step that was open to us. It may be our misfortune but it is not our fault that it falls flat and we cannot give effect to the motion as it is given effect to under the rules which prevail in free countries.

In conclusion, sir, I would appeal to the Honourable Members of this House to remember their vote on the demand itself, to remember that they have supported the demand which was put before the House on behalf of the people of India by a very large majority, and also to ask themselves if they think that the response given by the Secretary of State and by the Government of India is anything like a satisfactory response to a demand of that kind. I have not the remotest doubt in my mind that all elected Members, I mean Indian elected Members, will have no doubt whatever upon this point. And if that is so, I claim their support; I ask them and appeal to them not only to support me in this House by any observations that they may have to make but by their votes.

[The motion was adopted]

<sup>14</sup> Mr. Ramsay Macdonald.

## Divide and Rule

*Speaking on the Indian Finance Bill on 17th March,  
1924.*

Sir, I had no intention to take part in this debate as I did not feel well and strong enough to do so. But the speech with which the Honourable the Home Member has just treated the House has inspired in me the strength which would otherwise be wanting. The Honourable the Home Member has on more occasions than one, during my brief experience of this House, by his special polemics shown himself to be a past master in the art which is usually practised by the whole of the Government of India. That art is the art of "divide and rule". We have seen on many occasions that the great argument which he has against any proposition which is advanced by this section of the House is to point out to those who, he fears, will follow us into the lobby and vote in favour of that proposition, the grave danger in which they stand if they do so. He is never remiss in pointing out to the non-Swarajists the dangers of their associating themselves with the Swarajists, to those who are not in the Nationalist Party the very grave and serious dangers of their joining or voting with the Nationalist Party; to-day, sir, we have witnessed an exhibition of that art almost to perfection. My Honourable friend has told those who are not for a wrecking policy to beware how they cast in their lot with those who openly and professedly, before they came into this Assembly, were wreckers, whose object was to make the Government impossible. He has reminded those who were very anxious and keen about seeing the report of the Tariff Committee, that if they in any way lent their support to this Party—he did not call it a Party of revolution, but he said enough to identify this Party with a Party of revolution—if they identified themselves with this Party they would have no chance to see the report of the Tariff Committee put into operation, there would be no taxation, the Government would come to a standstill, there would be no meeting of this Assembly and no discussion of the Tariff Committee's report. I need not go further into the various means



which were adopted by my Honourable friend. I am here now to make as simple and as plain a statement as my Honourable friend has made on behalf of Government.

Sir, the position to-day is exactly the same as it was on the day when this session opened.<sup>1</sup> My Honourable friend has refrained from criticising the Swarajist manifesto<sup>2</sup>—I consider it to be one of the greatest honours that was reserved for me in my life to be the author of that manifesto—he has reserved his remarks thinking that thereby he was sparing me. Today he referred to it only to say that enough had been said about it in the House of Lords.<sup>3</sup> I repeat that that manifesto is a document of which I shall ever be proud. It is a document which clearly and unequivocally states the case of the Provincial Councils. They adhere to that as their case to-day as Swarajists.

I took pains to point out on previous occasions as to how it was that I, a sworn Swarajist, a confirmed Swarajist, was using the instruments and the means that lay at my disposal in this Assembly to push forward the national demand and to see what response that demand elicited from the authorities before whom it was pressed. I said in terms which cannot admit of any doubt that we had come into this Assembly, non-co-operators as we were, to offer you our co-operation, but on our own terms. Those terms were not dictated by a spirit of hostility to the Government but were considered in consultation with other friends who were not Swarajists. Those terms were put before the whole country and opinions were invited. All schools of thought, all shades of opinion, concurred that we could not in the interests of our country put the national demand lower than what we had put it. Having satisfied ourselves as to the nature of the demand and the acceptance it had found in the whole country, we put it forward not on behalf of the Swarajists alone, not on behalf of any particular section but, as I submitted when I was moving my amendment to the

<sup>1</sup> 31st January, 1924.

<sup>2</sup> For text of manifesto, *see* XLI, *infra*.

<sup>3</sup> There was a discussion in the House of Lords on the Indian affairs on 26th February, 1924. The Swarajists' manifesto was the main target of attack of practically all the Lordships. Lord Olivier stated that the belief expressed in the manifesto was a "mistaken belief, an all-informed and ill-inferred belief, and an unjustifiable belief".

motion of my Honourable friend Mr. Rangachariar, we put it forward on behalf of the country. I scrupulously and studiously kept back all ideas and all policies which are attributed to Swarajists as well as those which, though not attributed to them, are really theirs. I said that I was for the moment sinking my identity as a Swarajist, not because I had ceased to be a Swarajist but because I had adopted certain principles which were common to me and other sections of Nationalists. We adopted those principles in order to see whether there had been that change of heart in the Government for which we had been looking during the last four years. A minimum demand, a very reasonable demand, was accordingly put forward.<sup>4</sup> It was carried by an overwhelming majority of this House, supported not merely by Swarajists, not merely by members of the Nationalist Party but also by independent members who did not belong to any party. That clearly shows that, so far as this country is concerned, it was taken to be a real and national demand and not simply an extravagant demand made only with the object of provoking a negative reply and then assuming an attitude of hostility to the Government.

Now what followed? After that demand was put through in this House, there was a speech by the Secretary of State for India in the House of Lords.<sup>5</sup> That speech, I have already submitted, was conceived in a very good spirit but, when we came to look for the substance, we found that it promised nothing. It gave nothing except hopes for the future and pious wishes for our advancement. When I had the honour of addressing this House after that speech was received in this country, I made it clear that, however high the purpose of the Indian Government or that of the British Cabinet may be, we had long since ceased to be satisfied with high purposes and mere declarations of high purposes. What we wanted was action, something done along with the declaration of high policy. We have been waiting for that. We suggested various things.<sup>6</sup> Nothing has been done.

Then, sir, what did we do. This Budget came up. We made up our minds to throw it out, not as my Honourable friend the Home Member has put it, in pursuance of the policy of the Swaraj-

<sup>4</sup> See VIII, *infra*.

<sup>5</sup> See H. L. Debates, *op. cit.*, cc. 320-44.

<sup>6</sup> See p. 149, *infra*.



ists—I made that perfectly clear but because, apart from being one of the methods which was in the minds of the Swarajists, it was also a well known constitutional method of putting grievances before supplies. This method being accepted by the Party was put into operation. Now, on the first day we threw out all the grants that came up on that day. That was on Monday last. Then we met and we came to conclusion that it was after all a farce first going into one lobby and then into another, spending the whole day in that way and with what object? The upshot would have been that, as soon as we had done going into and coming out of the lobbies, an order would come stating that His Excellency the Viceroy had been pleased to restore all the grants we had refused. I made it quite clear that we were not really refusing supplies, because it was not in our power to do so. We were simply doing all that we could do, that is to say, we were refusing to be any parties to the supplies which the Government of India wanted in order to run the Government of the country without consultation with us and without our having the slightest power to control the Executive. That was the idea, we made it clear. In coming to the conclusion we did, I am pleased to say that we were influenced also by the position of the Labour Government and by various other considerations. We thought that we had on the first day established the principle. My friend the Home Member says he has not been able to understand what that principle was. I thought I would be accused of citing matters of elementary learning when I cited certain extracts from well known books<sup>7</sup>. In fact my friend the Honourable Mr. Chatterjee<sup>8</sup> said that he knew those books 30 years ago, thereby implying that I was simply wasting the time of the Council in citing authorities of that character which were the A.B.C. of political science. I find, if my friend the Home Member will pardon me for saying so, that at least he has not profited by that elementary learning, because to-day he again stands up and says “I cannot see what principle has been established.” I submit, sir, that it is one of the oldest principles that it is the inherent right of those who can grant supplies also to refuse supp-

<sup>7</sup> The two books which were quoted by Pandit Motilal Nehru in the course of his speech on Demands for ‘Customs’ on 10th March, 1924, were (i) Taswell-Langmead’s *English Constitutional History*; and (ii) Rene Storum’s *The Budget*.

<sup>8</sup> Industries Member.

lies. As I pointed out then, the reason why supplies are refused is that certain grave grievances had remained unredressed in spite of all the efforts, in spite of all the available remedies, having been used. Now, sir, that was the principle which we wanted to establish. That principle is established in free countries not merely fictitiously as we were compelled to do here, but really and in actual fact. In those countries supplies are actually refused and the Government really comes to a standstill if they are refused.<sup>9</sup> I admit that we are not capable of achieving any such results in this country. But at any rate the least that we can do is to say that we shall be no parties to granting supplies. We adopt that procedure, for what it is worth, to have as much effect as it can possibly have having regard to our disabilities.

Then, sir, I made a statement before this House after we came to the conclusion I have referred to. I made the statement that we had established the principle according to our own judgment—of course opinions must differ—I do not expect that the Honourable the Home Member will agree with us on that point; and I said that we shall leave—I have not got the exact words before me, but I remember having said that we shall leave the discussion on the remaining grants to take its ordinary course, and such of our friends as were interested in discussing those grants on the merits, such as had studied them, would take part in the discussion. I confessed at the time and I confess now that I did not study any part of the Budget from that point of view; the other Members did discuss it and thereby showed that we are not here, as Lord Olivier put it, like children who refuse to play. We know how to play, and we showed we could if we chose to criticise the Budget and, on the question of principle the rejection of the first four grants was taken to be enough. It has been suggested by the Honourable the Home Member that this is a sudden change of attitude. Is it a sudden change, as he calls it? After having sent in amendments for the reduction of the various taxes, this apparently sudden change, says the Honourable the Home Member, is due to certain adverse criticism which has appeared in the Press. Now, sir, there has been both adverse and favourable criticism. Perhaps the Honourable the Home Member has an eye only to adverse criticism, but criticism of any kind has nothing whatever to do with the real merits of this

<sup>9</sup> See p. 258, *infra*.



proposition. Suppose, however, that it is adverse criticism which has led us to raise the present question and which led my Honourable friend, Pandit Madan Mohan Malaviya to move the rejection of the Finance Bill—does that fact in any way detract from the soundness of his arguments if they are sound on the merits? But, sir, I deny that any amount of adverse criticism could in the least affect us or our attitude in this matter. We are here representing our constituencies, representing the people of India; we are here to do our duties regardless of anything that might be said in this House or outside this House. We are here to do our duty according to our own rights, and we cannot do any better.

Now, sir, after the discussion of the Demands, we have here the Finance Bill confronting us. What is our position in regard to that? I should like to know what the Honourable the Home Member expected it would be? I am sure he did not expect us to say “Aye” to the motion. He might have heard “Ayes”, as he did in the case of my Honourable friend, Pandit Madan Mohan Malaviya, who informs us he never voted on any of the Demands. It is obvious that the Finance Bill, as it stands, could not possibly have our approval. Well, if it did not have our entire approval, was it merely the amendments of the various clauses proposing reductions of the various taxes that would have satisfied us? Was that all we wanted? Now, sir, what reason had my Honourable friend to make that guess. After the statement I made that these Demands will now be discussed in the ordinary course, no division was called for during the whole of the debate on the remaining grants with the exception of two. All the Demands were discussed and finished. The whole idea was to put forward all the objections that could be raised on the merits. Now what was happening in the meanwhile? Barely ten minutes had elapsed since I had sat down on Tuesday last after making the statement which has been referred to, when a cablegram was seen on the notice board of the Assembly stating that Professor Richards, M.P., had answered in the affirmative a leading question put by a member of the House that it was not the intention in any way to interfere with the ten years’ programme laid down by the Act.<sup>10</sup> The words of the Under-Secretary<sup>11</sup> were “That is the position” or “That is exactly the position” or something of that kind.

Now, sir, that was the first experience that we had of the change

<sup>10</sup> See footnote 6, VIII, *supra*.

<sup>11</sup> Lord Winterton.

of heart immediately after I had made that statement. Day after day elapsed and there was no sign of a Committee, Parliamentary Committee, or even a Departmental Committee to be appointed by the Government of India. Not that a Departmental Committee would have satisfied us but I mention it to show that even the least thing that they could do was not done. And what do we find to-day? When we come to this House we find—not that we did not expect it—their very first announcement made is that the Demands that had been refused have been restored. Two or three days previously in the last issue of the Government Gazette we were treated with another little warning in the shape of new rules.<sup>12</sup> What are these new rules? It has been in a manner admitted by the Honourable Sir Henry Moncrieff Smith<sup>13</sup> that the Government have taken the power which the existing rules did not give them, but he said it was a power derivable from the Government of India Act and was rightly derived from it. He was further questioned as to what the Member in charge of a particular Bill might do and it was pointed out to him that after amendments to a Bill had been allowed by the House and the Bill as amended was about to be put to the vote of the House, there was nothing to prevent the Member in charge from getting up and saying “Thus far and no further. Wait, I am going to get a recommendation from the Viceroy and you will have to follow that recommendation. If you do not, then a certificate will follow.” It is said that these rules had been under consideration for the last two years. I do not doubt that statement but they were sent to England only in November last, which is after the date of the manifesto which has been so much talked about. It is permissible to have a shrewd suspicion that they were meant as a counterblast, as something to meet the situation which would be created if that manifesto were to be acted upon. But what is our position after the passing of those rules? We are mere automatons here; a button is pressed in the Government House and the marionettes of this House begin to dance. That is the true description of this House. We may pass amendments, we may be ready to pass a Bill as amended, but at any time it may be taken away from our hands and the Government may do as they please and call upon us to pass it as recommended by the Viceroy.

Now, sir, these things have happened, besides the criticism

<sup>12</sup> See footnote 3, XIII, *infra*.

<sup>13</sup> Secretary, Legislative Assembly.



in the newspapers to which the Honourable the Home Member has referred and these things have had their due weight with us. We gave enough time at least for some indication of the mind of the Government and of the manner in which it was proposed to deal with our proposition but we have been told up to this only one thing and that is that the Government pin their faith to the Government of India Act as it stands and are not prepared to consider the revision of that Act by the appointment of a Royal Commission or a Round Table Conference. I wish to say one word about this Round Table Conference. The whole thing has been misunderstood. I tried my best to explain the position in my speech in support of the amendment to Mr. Rangachariar's proposition. I said that this Round Table Conference was to be a representative conference of every conceivable interest in this country; that we wanted all of us to put our heads together and devise a Constitution which was best suited to the genius of the people and the requirements of the country. That did not mean that we were going to slavishly follow any Parliamentary system adopted in a particular part of the world. It was for the representatives of the people to come together and the very first thing they would have to do would be to decide whether any of the existing systems which have been tried in America, in England or elsewhere, or an imitation thereof would be suitable to this country or not.

Our position in regard to the Government of India Act, sir, is that it is a false beginning. You assume too much when you say to us, you people of India will have to train yourselves in parliamentary institutions before you aspire to have parliamentary rights. Your conception of parliamentary duties, parliamentary rights and parliamentary procedure may be quite different to what the genius of the people might dictate to its representatives. It is not a matter which could be disposed of in a day or two, in a week or two weeks or even in a month or two months. It requires very careful deliberation by all the members of the Round Table Conference, perhaps the taking of evidence, and a number of other things. It was not, as easily supposed, something in the nature of asking for an immediate grant of responsible government, but it certainly was a demand for an immediate admission of the claim to responsible government. That was not the same thing as actually giving or establishing responsible government.

Now, sir, it is stated in the report of the speech of Lord Olivier which I have before me:

“We claim to know by centuries of experience in Europe and America the laws and conditions indispensable for the stable working of that system, which is not native to India.”

That claim admits the whole of my case. I do not want a system which is not native to India. What I want the Round Table Conference to determine is a system which is native to India and of which you have no experience in Europe or America. Your experience of centuries of Europe and America will not avail you in the least to find out what system is native to India. Lord Olivier goes on to say:

“And it is perfectly plain to us that those conditions are not established in India and cannot be established in a few months by this kind of deliberation at a Round Table Conference, or the premature appointment of a Commission under the Government of India Act.”

That is a misconception of the whole case. We do not want this Round Table Conference or a Royal Commission to, as it were by magic, create conditions which do not exist in this country. We want to investigate the conditions which do exist in this country, and with full regard to these conditions and the capacity of the people, we want this Round Table Conference to arrive at a system of government, which may turn out to have many things in common with the parliamentary systems you know but not necessarily so. That, sir, was not a thing as to which anybody could say offhand. “Oh, we are not going to consider it at all”. But that is in effect what was said, and, therefore, we said we were thoroughly dissatisfied. Now we are told that, whatever we may say, whatever we may do, the British nation will not give any further advance unless it is satisfied that such advance will be for the benefit of the country. That is said to be the plain fact and it means that the British Parliament must in all events be the sole arbiter of the measure, the manner and the time of each advance. Now, that is a proposition, sir, which we cannot accept, and as long as you insist upon that, so long we shall insist upon the contrary. Meanwhile, whatever means are available to us we shall employ them if they are legitimate and peaceful means. We have come here to employ



the means which are available to us under the Statute and under the rules, and so long as we employ those means you cannot refer to such action as may possibly be taken or is being actually taken outside this House. We are here Swarajists and non-Swarajists, members of the Nationalist Party, to stand upon our rights as representatives of the people—rights which we derive from the Statute itself—and which we can only exercise within the four corners of the Statute and within the rules. And, therefore, so long as we are here, we must, if we want to do our duty, conform to the Act and to the rules. That is very different to what we may do outside but you cannot say, “Oh, you have changed yourselves”. We have not changed ourselves at all. It all depends upon the surroundings and upon the circumstances. I said plainly and unequivocally in my first speech in this House addressing myself specially to the Treasury Benches—“We are here to offer you our co-operation; accept it if you like, and if you do, we are your men. If you do not, well we shall go out—you call it the wilderness, be it so; we shall go out into the wilderness but we do not in the least intend to deviate from the line of policy which we have laid down for ourselves outside this House.” I submit it is not fair for the Honourable the Home Member to rely upon the policies and the lines of action which are open to us and which we do not mean to abandon—to rely upon them and ask those who have made up their minds as to the reasonableness of the demand which was put forward by the nation and the unsatisfactory nature of the response which has been given by the Government, not to join the Nationalist Party. Given that the demand is a reasonable one, given that the answer is a most unsatisfactory one, there is open to us no other policy, no other principle, no other doctrine than the one we have adopted and no hairsplitting arguments can avoid the inevitable result that we must refuse supplies. That is what we have agreed upon and everybody knows it. The Honourable the Home Member said he is not aware of the constitution of this Party. He has read all the adverse criticism of their action but not the rules of this Party which have been published from time to time; even the names of the members have been published—there is no secret about it.

Now, sir, I do not want to take up much more time of the House but would like to make one or two observations before I sit down. I have been at great pains to discover the meaning of certain very

simple English words and have often wondered whether they retained the same meaning as I was taught at school and college, which they still retain in the dictionary, or whether they should be more properly used in a sense which is not explained in the books. What is said is "If you act in a particular way you are irresponsible; the Government would take it as a demonstration of irresponsibility". Now, sir, I thought that responsibility arose out of a man's own action, his own word, his own deed. How is one man responsible for another's words or deeds, I fail to see. It is you who frame your Budget; it is you who raise the income, it is you who regulate the expenditure, and you say "If you do not say 'ditto' to what we say or do you are an irresponsible person". And then it was said—my Honourable friend the Finance Member said—that we shall by not acting as we are told be proving our unfitness for our duties. Now, sir, however able my Honourable friend the Finance Member may be in his finance, I do not think he has any right to tell me or any other Member of the House that we are not fit to discharge our duties as Members of this House. I do not pretend to be an expert in this line, but there are things in which I think my Honourable friend will not pretend to be any better than I. But what is fitness? Fitness here means, if you see eye to eye with the Government, you are fit for responsible government. If you do certain things which will ease the Government, you are fit. I should have considered our fitness in relation to the people whom we represent, and not in relation to the Government. Whether we are fit to represent them it is for them and not for the Government to say.

Then, sir, there is much talk of political responsibility. But I ask can there be any political responsibility without political rights in the particular department in which responsibility is cast upon a particular person?

I will not now detain the House any longer, but would like again to make it perfectly clear that what we are now doing is being done not because we have changed our minds by reason of the adverse criticism or the taunts that have been levelled at us in this House and outside it, but because we have now given up all hope of our demand being conceded. There is no sign that there will be an early compliance even with what little was foreshadowed in the speeches in this House and in the House of Lords.

What we are doing, I say again, merely amounts to the strongest



protest we can make. We are using the strongest weapon available to us. We can do no more. I expect that in the step proposed to be taken the House is with me—I beg the House to vote with one voice in support of my Honourable friend Pandit Malaviya, and to reject the motion to take the Bill into consideration. It will then not be necessary for us to go into the amendments proposed which were put in as a matter of ordinary precaution. My Honourable and learned friend the Home Member has misunderstood the object of the amendment. We put forward a proposition as the first to be considered. That proposition is the best, the most suited, the most liked. If that fails, as a precautionary measure, we put in a certain number of subsidiary propositions. That does not mean that the latter by reason merely of being put in first contradict the former or weaken our position when we support the main proposition.

Sir, I hope I have made my position clear and I do not wish to detain the House any longer. I beg all the Members or at least all the elected Members of this House to vote in a body in support of Pandit Madan Mohan Malaviya's contention against the motion.

[The motion was rejected]

## Affront to the House

*Speaking on the Indian Finance Bill re-introduced in a modified form by the Finance Member on 18th March, 1924.*

Sir, I take the earliest possible opportunity of opposing this motion to introduce the Bill in the way in which it has been introduced. Before I go further I should like at once to disclaim any intention on my own part or on the part of any Member of this House to offer any personal insult or affront to His Excellency the Viceroy.<sup>1</sup> I say so, sir, because it has been brought to my notice that on a former occasion<sup>2</sup> when the introduction of a Bill under somewhat similar circumstances was opposed in this House, it was interpreted to mean something in the nature of discourtesy to His Excellency. Nothing is farther from our minds than a desire to show His Excellency or any Member of the Government any personal discourtesy by opposing this motion. On the contrary, sir, the view that we take of the matter is that the procedure adopted on behalf of the Government is an affront to this House involving contempt for the vote of this House which was recorded yesterday. As I then pointed out, the new rules<sup>3</sup> which have been taken advantage of in re-introducing the Bill in this present form were only published last week. They were partly discussed yesterday

<sup>1</sup> Lord Reading.

<sup>2</sup> On 17th March 1924.

<sup>3</sup> Refers to the new rule 36-A which was:

- (i) "Where a dilatory motion has been carried in respect of a Government Bill and the member in charge of the Bill intimates to the Chamber that it is proposed to re-introduce the Bill and to move the Governor-General to make a recommendation in respect thereof such as is referred to in section 67B . . ."
- (ii) Where (a) a Bill has been withdrawn under rule 36A, or (b) either Chamber refuses to take into consideration or to refer to a Select Committee or to pass any Government Bill,

The Bill whether in the same or in an amended form, may be re-introduced in either Chamber and thereafter any other motion may, subject to the provisions of these rules, be made in respect of the Bill, in either Chamber . . ."



on the floor of this House.<sup>4</sup> The pistol, which was loaded yesterday, is levelled at our heads to-day. Under those very rules this Bill is now brought forward with the recommendation of His Excellency. It is now being introduced, and the next motion will be to consider it and to pass it in terms of the recommendation. If I stand up to oppose it, I do so because the rules permit me to take that course and I submit that I am within my rights in opposing the introduction of this Bill at the earliest possible opportunity. Sir, apart from the fact that the rules under which this Bill is sought to be reintroduced are unconstitutional in their nature, a question which I will not go into on this occasion, we have the further fact that this House, or at least the elected Members of this House, have been taken by surprise. It is true that by the courtesy of the Honourable the Home Member I was informed on the telephone last night at about 11 o'clock that the Bill was to be re-introduced this morning with the recommendation of His Excellency. But it is obvious, sir, that at that late hour in the night I could not possibly inform the Members who had dispersed that same evening and some of whom had gone to their respective homes. I was not on the same advantageous ground as the Honourable the Home Member was in regard to the supporters of the Government. We find to-day that the place of our esteemed colleague, Mr. K. C. Roy, is occupied by an equally estimable gentleman<sup>5</sup> but it is not for us to fill up any vacant places in the manner in which the Government can. We know that Mr. K. C. Roy has gone on a deputation as a member of a committee. I am not aware if he has ceased to be a Member of this House.

*The Honourable Sir Malcolm (later Lord) Hailey:* Certainly.

*Sir Henry Moncrieff Smith:* Sir, as I took His Excellency's orders in the matter, I can assure the Honourable Member that Mr. K. C. Roy has ceased to be a Member of this House.

*Pandit Madan Mohan Malaviya:* Has he resigned?

*Sir Henry Moncrieff Smith:* He has resigned.

*The Honourable Sir Malcolm (later Lord) Hailey:* Mr. K. C. Roy resigned before the gentleman who now occupies his place was appointed.

<sup>4</sup> Discussed during the Question Hour.

—For details see, L.A.D., Vol. IV(1924), Pt. III, pp. 1897-903.

<sup>5</sup> Rai Bahadur Raj Narain.

*Pandit Madan Mohan Malaviya:* Will the Honourable the Home Member inform the House when he received the information from Mr. Roy that he had resigned?

*Mr. President*<sup>6</sup>: That is a matter of the interpretation of the rules and concerns the Governor-General and not the Governor-General in Council.

*Pandit Motilal Nehru:* As you are aware a question on the subject was submitted to you, sir, by my friend, Mr. Devaki Prasad Sinha from Bihar. That question was intended to elicit the information which has now been partly furnished by my friend, the Home Member, and my friend, Sir Henry Moncrieff Smith. I am sorry, sir, that at question time perhaps it escaped your notice and my friend, Mr. Devaki Prasad Sinha, was not called upon to put the question . . .

*Mr. President:* The Member did submit a question and I sent a message to him through the Secretary of the Assembly that had that question been submitted to me in the ordinary course I should have had to disallow it as a matter which did not concern the Governor-General in Council under rule 7. That matter is solely in the charge of the Governor-General. I had no choice in the matter.

*Pandit Motilal Nehru:* Sir, I leave that matter there. The fact remains that here is a gentleman occupying the place of another gentleman who is now on the high seas. We are informed that he resigned before the gentleman, we have the pleasure to find among ourselves to-day, was appointed. All that information is certainly enough to satisfy the requirements of the rules, but, as was suggested by some friend in the House, we do not know whether the resignation of Mr. K. C. Roy was submitted in writing before he left, or whether it was received by wire from Bombay, or by wireless from mid-ocean.

However that may be, we have the disadvantage now of having to deal with this measure at a time when we could not be expected to be fully prepared for it. The usual course, as the House is aware, was for the Bill, after it was thrown out by this House, to be laid before the other House. That was under the old rules, sir; that is how I understand them. It would come back to this House only after passing through the other. However that may be, sir, I do not pretend to be an expert in the procedure of the two Houses

<sup>6</sup> Sir Frederick Whyte.



and am only speaking from information. At any rate the fact remains that there has been some unnecessary haste, uncalled for in the circumstances, even in the case of a Finance Bill; but I do not put my opposition solely on that ground. My main grounds for opposing the Bill are the same as were put before this House first at great length by my friend, Pandit Madan Mohan Malaviya<sup>7</sup> and then by myself.<sup>8</sup> Of course those grounds do not appeal to my friend, the Honourable the Home Member, and he says "Hear, hear," but I did not hear one word from him yesterday to refute the arguments my friend, Pandit Madan Mohan Malaviya, had advanced.

*The Honourable Sir Basil Blackett.* Do not waste your time on that.

*Pandit Motilal Nehru:* Whatever is unanswerable, it is a waste of time to answer.

Now, sir, I have only to make an appeal to this House, and particularly to those Honourable Members who either did not take part in the voting yesterday, or who voted in favour of the motion of the Honourable the Finance Member. I appeal to them to consider the circumstances under which the present Bill is being re-introduced. I know there have been some modifications<sup>9</sup> in it. The Honourable the Finance Member has, by reason of those modifications, been pleased to describe it as an emasculated Bill. Of course, any alterations in a Bill which are in favour of the subject and which the subject considers as an improvement on the Bill are, in the eyes of the Finance Department, an emasculation of the Bill.

*The Honourable Sir Basil Blackett:* Three of four of the alterations are increases of taxation.

*Pandit Motilal Nehru:* But they are all in favour of the subject.

*The Honourable Sir Basil Blackett:* No.

*Pandit Motilal Nehru:* My friend will permit me to say that, in

<sup>7</sup> For details, see L.A.D., *op. cit.*, pp. 1915-37.

<sup>8</sup> For details, see, XII, *supra*.

<sup>9</sup> The following were the proposed changes in the Finance Bill, as re-introduced: It contained nothing in regard to the Indian tariff with the exception of the provision for duty on splints and veneers. The other proposed changes in the original Bill in regard to tariff had not been included. The clause in relation to the salt tax proposed to fix that tax at one rupee four annas per maund.

—L.A.D., *op. cit.*, p. 1966.

spite of my general ignorance of finance, I know this much—that certain duties which were proposed to be levied had really the effect of protecting the interests of the people. However, I need not go further into the matter.

What I was submitting—and I was addressing myself especially to the Members of the House who did not vote yesterday or who voted in favour of the motion of the Honourable the Finance Member—was that the circumstances to-day are entirely different. The reintroduction of this Bill does not merely mean the carrying through of a finance measure. The circumstances under which it is put forward and sought to be carried through are circumstances which amount, as I have already said, to an affront to the House. I do hope and trust that all Honourable Members will be jealous of the dignity and the honour of the House. I appeal to their own sense of honour, I appeal to one and all of them at least on this ground if on no other, to vote against this measure.

(The motion was negatived)



## Public Services\*

*Speaking on the Resolution re: the consideration of the recommendations of the Lee Commission on 10th September, 1924.*

Sir, I rise to move the Nationalist Amendment to the Government Resolution<sup>1</sup> which has just been so very ably moved by the Honour-

\* The majority of Civil Service men were against the introduction of Reforms of 1919 because they considered it derogatory to their dignity to serve under Indian Ministers. The Government, therefore, increased the pay and allowances of these officers with a view to pacify them. But these decided improvements did not satisfy the claims of the I.C.S. And in April 1923 the Council of the Bombay Presidency Association of European Government servants sent a memorial to the Secretary of State in which they clamoured for more. The Conservative Government of England, therefore, readily appointed a Commission—known as the Lee Commission—under the aegis of Lords Peel and Winter-ton in the India Office. The purpose of the Commission was fourfold: Firstly, it had to ensure the immunity of the Services from attacks in the Press and platform by making them independent of the popular form of government in India, and secondly, to improve their financial position by making liberal grants in their pay, promotions and pensions. Thirdly, discontent in the Indian political circles was to be set at rest by giving complete control of services in the Transferred departments to the Ministers; and fourthly, to accelerate the Indianisation of the services.

The Commission which commenced its work on 4th November, 1923, and finished its labour on 27th March 1924, recommended *inter-alia*:

The Secretary of State should retain his control in respect of All-India Services.

A legal covenant, mutually binding between the civilians and the government and enforceable in Civil Courts should be entered into. This contract is to mention even the minutest detail of the pay, promotion, pension, leaves and even return passages and insurance of life.

Public Service Commission should be constituted with wide powers of recruitments as well as of hearing and deciding appeals of the Civil Servants against the Government decisions.

The Commission also made liberal recommendations regarding the pay and allowances, pensions and family pensions, passages and provident funds, to allay their discontent in this respect.

<sup>1</sup> See the Appendix for the Texts of Resolution and Amendment.

able the Home Member.<sup>2</sup> The amendment stands in my name, and I wish to make it perfectly clear at the very outset that it is a Nationalist amendment. It is rather long and I would follow the example of the Honourable the Home Member in dealing with it. I shall not inflict it upon the House by reading it from beginning to end.

Sir, before I go into my amendment I think it is but due to the Honourable the Home Member that I should congratulate him on the great ability and perspicuity with which he has dealt with the subject. He has dealt with it very fairly and has not overdone any part which related to the benefit of the Services. But remembering the undertaking that he gave at question time about the material that he was going to place before this House, I must confess to a feeling of great nervousness all the time that I was listening to his very elaborate speech. I was listening to it almost with bated breath and at every moment I expected that some new material, something which we could not guess from the report, would be forthcoming. I saw something protruding from the files in front of him and took it to be the fuse of the bomb under his table. I expected every moment the bomb to be thrown and sooner or later to burst upon us. I waited and waited and it was only when the Honourable the Home Member resumed his seat that I heaved a sigh of relief. The bomb did not after all explode; it was not even thrown, and we remain, so far as the materials go, where we were before the Honourable the Home Member began his speech.

Now, sir, he made certain preliminary remarks about the value to be attached to this Report, and I wish to deal with them point by point. What he said was that this Report was made by a Royal Commission which was constituted by gentlemen of the highest position and attainments. Nobody has ever doubted or disputed that. The next point he made was that the recommendations were the result of a compromise. It is here, sir, that I would beg to enter my dissent. Compromise between whom? Who were the parties to that compromise? The Honourable the Home Member said that the Indian gentlemen on the Commission<sup>3</sup> were represen-

<sup>2</sup> Sir Alexander Muddiman.

—Text of speech, *see* L.A.D., Vol. IV (1924), Pt. V, pp. 3131-46.

<sup>3</sup> Out of nine members, the following were the three Indian members of the



tative Indians. Here again, sir, I beg to join issue. Who elected them; whose representatives were they, and what position did they occupy in the public life of the country apart from their relations with the Government or their membership of one of the two Houses of Legislature, at one time or another? Then the Honourable the Home Member said that we must take it as a verdict of the jury, and that we must attach to it the same weight as we would attach to a unanimous verdict of a jury. Now, sir, I have had something to do with juries, and I know under what circumstances no weight at all is attached to it. When the evidence is taken in open court and the public are in possession of the facts from day to day as the trial proceeds, when the learned Judge has charged the jury in public and has reviewed the whole facts and given the law of the case, it is then that the unanimous verdict of a jury is entitled to all the weight that can be claimed for it. But without any of these things the very basis which gives the jury its weight is wanting and the verdict is of no value.

Then my Honourable friend justified the Report of the Royal Commission by the rule of *factum valet*. Here again I regret I am unable to follow my learned friend. The doctrine of *factum valet* is very well known to lawyers. It means that irregularities which had no effect on the essentials or contravene any principle must be condoned when the thing itself is done. Such irregularities must not be allowed to disturb what has already been accomplished. We have heard of an adoption or a marriage not being allowed to be questioned on the doctrine of *factum valet*, if all the objections urged against it are mere irregularities which do not go to the very root. I ask the House in the present instance whether it can possibly be said that the objections we take to the Report are mere objections of form and irregularities which do not touch the merits. The objections we take are objections which vitiate the whole proceedings, which go to the very root of every recommendation that the Royal Commission has made, as I shall proceed to show when I deal with the various paragraphs of my amendment. That being so, there is no justification whatever for invoking the doctrine of *factum valet* in support of the Report.

Now, sir, I shall follow the course which the Honourable the Home Member has followed, and only deal with my amendment Commission: Messrs Bhupendra Basu, M. Habibullah and Hari Kishan Kaul.

in a general way as the Honourable the Home Member has dealt with his Resolution. I shall, with your permission, lay it bit by bit before the House, and as I do so, make a sort of running comment to explain any points which I may think are necessary to be explained.

Now the whole scheme of the amendment is quite clear. It is divided into two parts. The first part gives the grounds upon which we say that no effect should be given to the recommendations of the Royal Commission. It also gives the constructive proposals we have to make in the light of the facts stated. The second part deals with the grievances, or rather refers to the grievances of the present incumbents in the various grades of Services.

In Part I we contend that the recommendations of the Lee Commission should be wholly rejected. In order to establish why this should be so, my task is facilitated by the Resolution which has been moved on behalf of the Government. I think, sir, I can show to the satisfaction of this House from the terms of that Resolution itself that the Government is in full agreement with us in thinking that the recommendations of the Royal Commission should be wholly laid aside, and that our conclusions, if we have to form any, should be based upon facts quite independent of those recommendations. Now let me for a moment turn to the language of the Resolution. What is said here is that:

“The following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved.”

What is the meaning of being approved in principle? What is the principle that this Royal Commission has laid down? We may as well look for a needle in a haystack as try to find out a principle in the Report of the Royal Commission. It is a string of *ipse dixits*, a series of bald statements, of inferences and conclusions, supposed to have been arrived at upon evidence which is not before this House. But I will assume that there is a principle in these findings, in these recommendations. If that be so, where is the acceptance of the recommendations themselves? When a recommendation is made and you only accept it in principle, do you accept it in the form in substance or to the full extent it goes? You certainly do not, and that being so, I say, and say with confidence, that there is not a single recommendation of the Royal Commission which has been



accepted by the Government as it stands without qualifications and modifications which have not been disclosed and which for aught we know may change the whole face of the Report. The approval *in principle* applies to sub-Clauses (a), (b) and (c) of Clause (1) as well as Clause (2); but when we come to Clause (2), we find another word, a tell-tale word. What this House is asked to do is to approve the principle that “pay, passage, concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended”; not exactly, but *approximately*. Again in Clause (3) we find the same important words *in principle*. The Clause runs:

“That the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governors’ Provinces be accepted *in principle*.”

And this adoption in principle is further diluted by the sub-clauses being subjected to certain conditions.

Now, sir, if any principle can be deduced from this Report and the recommendations of the Royal Commission, the principle is that the existing Services should be paid more money and that fresh recruits should be better treated than they are at present. Does that fact deserve to be dignified by the name of principle? Was it not known, was it not common knowledge in this country and in England before this galaxy of gentlemen of great intelligence and high position met together and spent five lakhs of the money of the tax-payer to lay it down as a principle? The real fact is that the Government themselves are not desirous to take the recommendations as they stand without qualification, and the whole idea of the Resolution, as I read it—and sir, I read the lines as well as between the lines, and put upon it the meaning which any man of affairs will put—is simply this, in the name of the recommendations of the Royal Commission give us a free hand to do what we please, because anything and everything can be justified as coming under the principle of that Report. Now, sir, what is the position? As I have said, the people do not want it, and I have shown, the Government cannot accept it in its entirety. The Press has pronounced against it, not merely the Swarajist Press, sir, but also the Press which we all know represents the interests of the Services themselves. In this connection

may I be allowed to refer to a short note which appeared only two days ago in the *Pioneer*, that great champion of the officials all over India, and also in England? What does the writer say about this Clause, which was subsequently added to the Resolution of my Honourable friend? He says:

“The Government Resolution to be moved in the Legislative Assembly on Wednesday has been extended by the inclusion of a third Clause dealing with the Lee Commission’s proposals for the reorganisation of the Medical Service. As we expected, the Government cannot recommend the acceptance of the principle of these proposals without considerable reservation.”

So here we have it, that the Government are not prepared to accept even the principle without certain reservations. Then he says:

“For reasons which have been given at some length in the columns of the *Pioneer*, these reservations are most important and will probably require practically a complete review of the whole question involved.”

Then the writer proceeds:

“It has long been recognised that the scheme in the light of the present state of recruitment would be quite impracticable. We doubt indeed whether the Government can contemplate the adoption of even a part of the proposals made without further investigation of the whole subject of the Medical Services in India.”

Now that may be taken as a fair sample of the views of the Press and of the Government as regards the whole of the recommendations of the Royal Commission. So that we are, sir, exactly where we were before the Royal Commission came, and that I submit on the showing of the Government themselves.

I will now, with your permission, take the various parts of my amendments, and in dealing with them I shall refer to such points as the Honourable the Home Member has tried to make about some of the clauses. I say in my amendment, “that the recom-



mendations of the Royal Commission on Superior Civil Services of India be not accepted,” and the first reason I give is:

“(a) That the Royal Commission on the Superior Civil Services in India was appointed and allowed to enter upon its functions in utter disregard of the Resolution passed by the first Assembly.”

Now, sir, a few facts, of which the House is probably well aware, are to be borne in mind. I will only give three dates.

On the 26th January, 1923, a motion for adjournment of the House<sup>4</sup> was passed. That motion was made on the decision of His Majesty to appoint this Royal Commission. The motion was carried without a division. Then, on the 17th March of the same year, when the Budget came up for discussion, a motion<sup>5</sup> was made to omit the provision for the expenditure to be incurred on account of this Royal Commission, and that motion also was carried. Lastly, on the 28th March, ten days later, His Excellency the Governor-General in Council restored the grant—not His Excellency the Governor-General but the Governor-General in Council. Thus the Royal Commission was forced upon the country in spite of the protest of the first Assembly—a protest which was backed by the general feeling and the general opinion in the country and in the Press. It is believed that the Government of India themselves were at one time against it. In the report of the debates on this motion I find that my Honourable friend the indomitable Dr. Gour threw out an open challenge to the then Home Member, Sir Malcolm Hailey, to deny that that was the fact, namely, that the Government had at one time expressed their opinion against the appointment of this Commission. Sir Malcolm Hailey, with his usual ability as a skillful fencer in debate, avoided a direct answer to that challenge, but treated the House to a dissertation on the ethics of office and on the etiquette and conventions of men in high office, saying

<sup>4</sup> “For leave to make a motion for adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the decision of His Majesty’s Government to appoint a Royal Commission on the Services in India.”

—For details, see L.A.D., Vol. III(1923), Pt. II, pp. 1543-4 and 1581-1600.

<sup>5</sup> “That the provision for ‘Public Services Commission’ under the head ‘Miscellaneous’ be reduced by Re. 1.”

that he would not be tempted, whatever Dr. Gour might say, to give a direct answer. Now, sir, I was not then a Member of this House, but the report of the proceedings leaves no doubt in my mind on the point. It may be that the Government were not, at the time when Dr. Gour put the question and threw out the challenge, against the appointment of the Royal Commission; but there is no doubt that at some time or other they were against it. There was an "ultra-Conservative" Government in England in those days and there was a "reactionary" Secretary of State<sup>6</sup>—the adjectives are not mine, sir, but were used by Sir Malcolm Hailey himself. There is no doubt that the Government of India had to bend before the will of the Government at home; and having done so it was but natural for the Governor-General in Council to certify the grant which had been refused by the House. Now, sir, we are asked to swallow all this, to put our seal of approval on these proceedings, and to consider this Report as if it was a Report made by a Commission under the sanction of this House, and the money spent was the money which this House had allotted for it. I make free to say that if the Government in England, which rode roughshod over the will of the people of India, had now been in power I should certainly have refused even to look at this Report; but we know that the present Government and the present Secretary of State<sup>7</sup> are not, either in fact or by any fiction of law or convention, responsible for the action taken by their predecessors. We know also what was stated in the House of Lords in the recent debate<sup>8</sup> and what we are in all sincerity of purpose expected to do by the present Government. It is the present Labour Government and not their predecessors who have invited us to express ourselves upon the merits of the Report, and in common courtesy we are bound to accept their invitation and go into the merits. But I wish to make it perfectly clear that we do not abandon this plea—if I may use the language of law—this plea is in bar. I rely upon it as a strong reason why

<sup>6</sup> Lord Peel.

<sup>7</sup> Lord Olivier.

<sup>8</sup> While making a statement on the Indian affairs on 26th February 1924, Lord Olivier stated in the House of Lords that one of the causes—reasonable and unreasonable—for the feeling of mistrust was "alleged favouritism of predominant British services, and appointment of Lee Commission contrary to the wishes of the Legislature."



the recommendations of the Royal Commission should not be accepted at all.

Now, sir, in this connection there is another important fact which deserves to be noticed. It is this—that the two great divisions of political thought in India, namely, the Congress, including the Swarajists, and the Liberals including the Moderates, both pronounced against this procedure and were from the beginning opposed to the constitution of this Royal Commission. The Swarajists and the Congressmen were, of course, by their very creed unable to take part in the proceedings, but the most remarkable fact is that all the Liberal Associations in the country officially resolved to boycott this Commission, and if a stray Liberal here and there gave his evidence—as I know some did—it was in his own personal capacity—he represented neither his association nor his party nor his country. That being so, I ask what is the value of such a Report, of recommendations which have been arrived at on practically one-sided evidence of proceedings in which the public, the real masters, had no say at all and the holding of which in itself constituted an insult upon the public? So that, sir, although we do not reject the Report on that one ground, we do ask His Majesty's Government to give the facts that I have just stated their proper weight, and giving them their proper weight, to do as they would have done if they were in our position. I ask the Labour Government to put themselves in our position and to treat this Report in the manner in which they would have treated it if they had been ignored as we were.

Now, sir, I will come to the next Clause, clause (b) of my amendment, which gives the second reason why the recommendations should not be accepted:

“That all questions affecting the Civil Services are inseparably connected with, and entirely dependent upon, the larger question of the grant of responsible government to India and cannot be entertained and satisfactorily dealt with unless and until the Resolution of this House on responsible government adopted on 18th February 1924, is substantially complied with.”

It is impossible to conceive how any Service can be properly organised until we know exactly who will be the master that the public

servants will have to serve. Who can tell, before the final settlement of the question of the grant of responsible government to India, what will be the nature of the services required, who will be the persons qualified to enter those Services and what should be the terms upon which those Services are to be recruited? Now, my Honourable friend referred us to certain extracts regarding the position of Services *vis-a-vis* any form of government and he quoted from Professor Ramsay Muir that as regards the carrying on of the daily administration and the enforcement of the existing laws which is nine-tenths of the business of government, this country, *i.e.*, England, was governed by a pure bureaucracy. Now, my Honourable friend will pardon me if I say that he need not have quoted those passages. There is not the least doubt about the principle. No one has ever said in this House or outside it that the carrying on of the daily administration and the enforcement of the existing laws is any part of the duty of this House or will be set up hereafter. But these quotations refer to a different state of things. They refer to a state of things which assumes the employment of a permanent service to instruct the changing Governments which come in and go out from time to time; and in those circumstances you may call the permanent service, it may be, in a sort of vague manner, a bureaucracy. The kind of interference this House claims to be entitled to make, and the responsible government when it is established will be entitled to make, is shown in a book of greater authority than Professor Ramsay Muir's book which was referred to by the Honourable the Home Member. I mean Sidgwick's *Elements of Politics*. At page 460 the author says:

“As regards the organisation and management of the whole Executive organ it clearly belongs to the Legislature to define the powers of officials and to determine what special privileges or liabilities it may be for the public advantage to allot to or impose on any class of servants of the Government, and generally lay down the conditions of appointment and tenure of executive offices.”

This, sir, is what we want. We are not asking to be allowed to interfere from day to day with the actual carrying out of the laws or the policy of Government. We claim the right to lay down that policy and to enforce it, and if public servants would not enforce it,



to have the right to exercise our disciplinary jurisdiction over them and to dictate to them from time to time what is their duty. Then Sidgwick goes on to say:

“We have seen that experience alone can determine the degree of minuteness to which the financial control exercised by the Legislature over the executive should be carried so as to secure the maximum of economy without impairing the general efficiency of the organ or its power of promptly meeting sudden calls for special activity. On the other hand for reasons before given the Legislature should be prevented, by law or custom, from interfering in the selection of individuals to fill vacant posts, or in the particular allotment of tasks to them, within the range of business assigned to the department to which they belong.”

That, I take it, sir, is a correct statement of the law upon the subject and it is for that that we contend. These are more or less matters of elementary learning.

Then, as to the bureaucracy in England, we have got some very descriptive names in English and Colonial law for the permanent service; for instance we have the very expressive word “Mr. Mother country”; a gentleman who is specially versed in the laws of England, and the routine work and procedure and whose business is to instruct the Government for the time being, which is generally composed of laymen. I have no objection at all to not only one but a dozen Messrs. “Mother country” coming over here and instructing us. Now what is the theoretical relation between the political chief which we aspire to be and the permanent subordinates which the Civil Service must become sooner or later. Here it is:

“The political chief furnishes the lay element in the concern; his function is to bring the administration into harmony with the general sense of the community and especially of Parliament. He must keep it in accord with the views of the majority in the House of Commons and conversely defend it when criticised and protect it against injury by any ill-considered action of the House.”

And so on. This is from Mr. Lowell's book on the Government of England.

I, therefore, ask whether the policy you are pursuing is a policy which has any relation whatever to the grant of responsible government to the country. It may come to-day, it may come to-morrow, it may come ten years hence; it may come a hundred years hence. This policy is certainly not a policy to lead us to responsible government at any time. Mere substitution of Indians for English public servants has nothing whatever to do with the changes which must necessarily come the moment real power is invested in this Legislature and in the representatives of the people. We do not want simply a brown bureaucracy to be substituted for a white bureaucracy. We want substantial powers in the representatives of the people and, if our white friends would care to stay and take part in our affairs after we have got those powers, we will be very glad to see them as representatives of their community in this House.

I will come to clause (c):

“That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and anachronic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India which are widely different from those prevailing when it was inaugurated.”

Now, I would like to make it clear to the House that I have nothing to say against the gentlemen who are in the Service at present or who have been in the Service in the past, or even against those who might come into the Service in future. It is the system that I attack and I attack it with all the strength at my command. This system I say is the survival—I will not say of barbarism, but of the conditions of 100 years ago when we were taken as a primitive people and the English Government began to bring us up in the knowledge of citizenship and civic duties. It was in 1813 that the Indian appointment for British youths were reserved for those trained in the Company's College at Haileybury. Since then the system that guarantees the conditions of service remained practically the same with this exception that the pays, pensions and allowances were from time to time increased. It is the old *má-báp* system inaugurated in 1813 which we find in force in the year of grace 1923. (*A Voice*: “1924”) Yes, 1924, one year makes no difference in the life of a nation. What



I submit is that we are no longer in the *má-báp* period and that the *má-báp* principle will not now help you to govern the country. If you want to be here, if you want to take part in our affairs, it has to be under a *bhain-bhai* system and not a *má-báp* system. We are willing to treat you as brothers and sisters if you will treat us as brothers and sisters; but no more of your *má-bapism*.

Well, Sir, as I have already said with reference to the previous clause, it is one thing to improve your services, it is one thing to make them fit for the growing requirements of the times, but it is quite a different thing to reconstruct your Services and your administrative machinery, in accordance with the change in the Government which is bound to come sooner or later. In support of this, I shall, with your leave, sir, read a few passages from an excellent article which appeared the other day in the *Times of India*. I read it, sir, because the point I am now making is so well put that I could not have put it better. I adopt it as a part of my argument. Sir, I am again quoting from an Anglo-Indian paper, Anglo-Indian in colour, in spirit and in mind. Well, sir, this is an article which appeared on the 29th of August 1924 and here is the passage that I wish to read. Treating of the administrative foundations of political progress, the writer says:

“The root of the whole difficulty would seem to be that the Indian opinion does not believe that the Services, as at present recruited and organised, can fit harmoniously into the scheme of a self-governing India. This appears to raise a question not easily dismissed by the enunciation of commonplace truisms. For reflection shows that the problem has never received adequate examination. There is no gainsaying the fact that while much attention has been devoted during the last few years to the question of political reform and constitutional progress, the reform of the administrative machinery of the country has been very largely neglected. Has any responsible person, either in India or in England, seriously sat down to think out the kind of Public Services which India really needs, and in consequence to arrive at some estimate as to the extent to which the present staffing and recruitment of the administrative machine really correspond with this desideratum? And yet, on the face of it, there would seem to be very good grounds for such a step. The political and

constitutional progress of India is of a kind which is likely at length to assimilate her to those countries in which responsible government obtains. Yet the Public Services of India remain entirely different in type from the Public Services in other countries. Their position is more dignified; their emoluments are incomparably greater."

And then he goes on:

"But are we justified in assuming that these concessions (of pay and allowances) are the due of future entrants, until we have convinced ourselves that the system by which the Public Services are staffed and recruited is what the country really requires? We are not here concerned to raise the question of Indianisation, which has, it will be obvious, an important bearing upon the subject. We desire to take the broadest view. India is rapidly advancing along the lines of political reform; but the system of her Public Services still retains the characteristics of a paternal regime which is now every day vanishing further and further into obsolescence."

One more passage, sir, before I finish with this:

"There can, of course, be no question of tampering with the rights of the present generation of public servants. But in considering the question of recruitment, the problem we have indicated arises in an acute form. Are we justified, without the most careful and the most meticulous investigation, in perpetuating a regime which took its rise in conditions now long passed away?"

Now, sir, this is really the case I make in Clause (c). It has been put clearly in this article by the writer.

I now go on to Clause (d), and shall very briefly deal with it and the remaining Clauses as I am afraid I am going beyond my time limit.

Clause (d) runs:

"That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of Government both



Central and Provincial and the present position, powers and functions of the Secretary of State, the Governor-General and the Governors of Provinces would continue indefinitely.”

Now, sir, there is no doubt that the Royal Commission, while they certainly have in contemplation—as they say at the beginning of their recommendation—the progressive realisation of responsible government in this country, have consciously or unconsciously made recommendations which have the opposite effect, as I shall show presently. But, taking the recommendations as they stand, they come to this that it will take 15 years to bring us to a proportion of 50 per cent of Indians in the Superior Executive Services. That is to say, in the year 1939, we shall have that proportion, and those who shall have entered in that lucky year will have another 25 years at least of official life to run. The complete Indianisation will thus be delayed for 40 years even if there is no further recruitment in England. But the ratio of 50 per cent is to be kept up even after 15 years by fresh recruitment where it will remain—for how long we do not know; may be the Greek Kalends.

I was very much pained, sir, at the reference that was made by the Honourable the Home Member to the phrase “mercenary hordes” which he said had been used to describe the British Services. I do not know if he heard it in this House or elsewhere, but so far as my information goes no Honourable Member in this House has ever permitted himself to use that expression.

*The Honourable Sir Alexander Muddiman:* No, I did not hear it stated in this House. I read it in some paper.

*Pandit Motilal Nehru:* I am very glad to hear that. I cannot think of any Honourable Member of this House referring to the Services, and especially the British Services, as hordes of mercenaries. The whole point is this, that the Services generally are an anachronism at the present day; and I take the liberty to say of my Honourable friend the Home Member that he himself is an anachronism, a very costly anachronism. But no Member of this House has ever said anything whatever against the actual discharge of the duties by the British element of the Services as a whole. They are not wanted because their continuance in the present condition of things is not consistent with the progress that has already been made or will be made in future.

Now, sir, I come to Clause (e) which runs as follows:

“That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items.”

That is a matter which has not been dealt with by my Honourable friend. I refer in this Clause to the recommendations made in respect of passages in paragraphs 36, 37, 64 and 65 and also to the Provident Fund contributions dealt with in paragraph 87 and to the re-appointment by the Secretary of State of officers already appointed by the Government of India so as to have the benefit of non-votable salaries.

*The Honourable Sir Alexander Muddiman:* Would the Honourable Member mind giving the references again?

*Pandit Motilal Nehru:* Paragraphs 36 and 37, and 64 and 65. Provident Fund Contributions—paragraph 86. Re-appointment of officers, paragraph 89. Now, sir, it is often necessary for the best of objects and from the best of motives to resort to devices. But when a device is intended to curtail the liberty of the people—such scant liberty as has been allowed to them—you cannot expect them to applaud either the object or the motive. What have the Royal Commission done? In respect of passages their recommendations come to this:

We recommend that officers are entitled to passages. But we know that passages are subject to the vote of the Assembly. We do not want this new-fangled Assembly or the Provincial Legislatures to have at their mercy these officers for whom passages are essential. We, therefore, say this, that although it is an allowance for passages, although it is no part of their pay, although they are not entitled to spend it as they would their own pay, yet in spite of all this call it pay, add to their pay, and say that it is pay, and then, when it is time for the Accountant-General to pay it is not to be paid to the officer. It is to be paid into a special fund called the ‘Passage Fund’ and kept apart, and when the particular officer requires a passage, it is then to be paid to him as passage money.



It comes to this that passage is an allowance; it remains all along a passage allowance; it is paid as passage allowance; it is not drawn as pay, but simply to take it away from the vote of the Assembly or the Councils they say there is no harm in calling it pay although it never was intended to be any part of the pay.

This applies also to the Providential Fund I mean Provident Fund—I wish it were Providential for in that case it would be no burden on India.

Then we come to the reappointment of officers. There are certain officers appointed in England by the Secretary of State. There are certain others who are appointed by the Government of India. The officers appointed by the Secretary of State are not under our control as regards pay and allowances. With regard to those appointed here, their pay and allowances are subject to the vote of the Assembly or the Councils. There is nothing easier than to ask the Secretary of State to reappoint these men, in order that these men may get out of the clutches of the Assembly, and the Royal Commission have recommended accordingly. This is how we are expected to advance step by step to responsible government.

The next paragraph of my amendment deals with racial discrimination and runs:

(f) “That the said recommendations have introduced racial discriminations in the treatment of the All-India Services.”

I shall run somewhat hurriedly through this and the remaining paragraphs and shall simply explain what I mean. In passage concessions there is racial discrimination. That is to say, the concession is to be given only to officers of non-Asiatic domicile. There is racial discrimination also in remittance privileges and the Indian Medical Service, where medical assistance is recommended to be given to Europeans on a racial basis. My friends who follow me will deal with these subjects more in detail. I shall also for the present pass over the clause which deals with Medical service. There are some of my medical friends here who understand the position better than I do and they will place their views before this House.

I now come to the last clause, that the inquiry held by the Royal Commission has been unsatisfactory in that the bulk of evidence

on which the Report is based was taken in camera and no material is referred to or made available to the Assembly. I might have added that they have not even divulged the names of the witnesses, and we do not know what class of people were examined.<sup>9</sup> Now, sir, this has been passed over very lightly by my Honourable friend. It is a matter to which I attach the greatest importance. A Royal Commission is in its very nature a public tribunal intended to hold a public inquiry. I am surprised that my Honourable friend said that the terms of reference to the Royal Commission did not include an authority or a direction to publish the evidence. I do not think that the terms of reference to any Royal Commission need contain such a direction, because it is in the very nature of things, in the very nature of its constitution, in the very nature of the inquiry it is to hold, that evidence should be recorded in public, except perhaps in cases where there are special reasons for not recording it in public; for instance, there may be one, two or more witnesses examined in camera, to avoid state secrets from being divulged. What is most surprising is that a string of recommendations is placed before us and we are asked to accept it as it stands. As regards the passage and other allowances, there is absolutely no reason given for allowing them and there is absolutely no evidence cited to support them, yet the Government of India have by some intuition or inspiration come to know that the recommendations are quite necessary. The only reason now given is that the members of the Royal Commission were all for allowing them. Now, sir, if that were any test, I think it will save a great deal of public money if we abolished all the Appellate Courts in the country and simply appointed honourable men as Judges of Courts of first instance and made their judgments

<sup>9</sup> The following were the reasons given by Sir Alexander Muddiman in regard to the witnesses and the materials supplied to the Commission, the details of which were not divulged:

“How could the Commission, which gave a pledge that they would not reveal a great many things which were communicated to them under the pledge of secrecy, publish that evidence? Much of the most valuable evidence was given by banks which doubtless were bound to exact the pledge of secrecy; for I understand that to reveal the condition of its clients’ accounts is a thing which no bank will do. Other evidence was given by commercial firms. They had very good reasons—quite obvious reasons—for not wishing their recommendations to be known.”

—L.A.D., Vol. IV(1924), Pt. V, p. 3140.



final for all time to come. I have never heard, sir, that any person, however high, whatever his position, however great his attainments, can take shelter under his ability or attainments when called upon to support his conclusions by the evidence that he may have taken. But here again, I have something to tell the House which will perhaps surprise Honourable Members. It has been stated that this inquiry in camera was conducted in deference to the wishes of the witnesses, and at page 61 of the Report it is stated:

“In our view it was of paramount importance that, to guide us in our investigation, we should be able to ascertain the genuine opinions of witnesses on the matters at issue, however, confidential or controversial the latter might be. There were likely to be many witnesses, Indian as well as European, who would shrink from expressing, in public, opinions which they conscientiously held but which if published in the Press might involve them in political controversy. Had the Commission decided that it would hear no evidence which was not given in public.”

Nobody ever expected any Commission to decide that:

“witnesses of this kind—who, as it proved, were by no means the most vehement in their tone or the most extreme in their demands—would, to a large extent, have declined to speak freely.”

Then the Report goes on to say:

“That if a witness decided to be heard in public, representatives of the Press were admitted to record his oral evidence, and received his written statements as well.”

Then again:

“The record shows that, of the 411 witnesses who gave oral evidence, only 152 elected to be heard in public.”

Now, sir, let us test these statements. I shall rely for my facts on another newspaper of equal standing in the official world in another

presidency as the *Pioneer* and the *Times of India* are in the United Provinces and Bombay, especially: I mean the *Madras Mail*. The writer is a gentleman who, although he has not disclosed his identity, is evidently a member of the Civil Service as the facts that he gives clearly show. He says:

“One Service Association sent in its memorial and appointed some of its members to give evidence. Before the arrival of the Commission in Madras, the Secretary of the Association received a wire from the Secretary of the Commission asking whether the Association desired to give evidence in public or in camera. In public was the reply. When the Commission arrived in Madras and on the day before the evidence of the Association was to be taken, the Secretary of the Association received a request from the Secretary of the Commission by telephone asking him to apply for the Association’s evidence to be taken in camera. It was too late for the Secretary to consult the general body of members, and as a definite request had been made by the Commission, the Secretary and those members of the Association who could be consulted agreed to send an application that the evidence should be taken in camera. After the application had been sent several members protested strongly but the step had been taken and nothing could be done.”

Then he says:

“One of the two service representatives had put in a memorial which dealt candidly and faithfully with the question of the retention of the European Services and the Commission were anxious not to examine him on his memorial in public. The outcome of the matter was that the evidence of the service representative was taken in camera so far as it related to the joint memorial, but”

And now comes the important part

“the representative who had submitted independent views as a reply to the first interrogative, declined to be examined on the independent memorial in camera and after some deliberation, the Commission decided not to examine him at all.”



It is clear that the writer speaks with knowledge that no one outside that particular association could possibly possess. The communication to the Press was made with quite a different object, and not the object for which I am utilising it. What the writer says is: "It is true that the Royal Commission failed to take evidence in the proper way. But it is not our fault. It is not the fault of the Services, and there is no reason why those Services should suffer." And he points out that they took every precaution to see that their evidence was taken as publicly as possible. But is there now, sir, after knowing these facts, any justification for saying that the witnesses—some of them bank men and some commercial men—were so very nervous of giving their evidence in public that the Royal Commission was obliged to hear them in camera. How far is the claim of my Honourable friend that we have been treated very well sustainable after this?

Now, sir, these are the reasons; they are not exhaustive but they are the reasons on which we ask the House to identify itself with any part of the recommendations of the Commission and not to accept any one of those recommendations. Then we go on to make constructive proposals, proposals which suggest the measures that were indicated in the article of the *Times of India* on which I relied for the reconstruction of the administrative machinery to suit it for the present day needs of the country.

My Honourable friend has referred to the question which the Commission put to themselves. He referred to page 18 of the Report where it is stated "In the days of the Islington Commission<sup>10</sup> the question was as to how many Indians should be admitted into

<sup>10</sup> The Islington Commission, which was appointed by His Majesty's Government in August 1912, was charged to examine and report upon (a) conditions of service, salary, leave and pension, (b) methods of recruitment and systems of training.

The Commission, which submitted its Report in August 1915 recommended *inter-alia*:

- (1) Officers promoted from a lower into a higher service should ordinarily be given the same opportunities as officers who have been directly recruited.
- (2) The practice of employing officers on civil duties should be continued.
- (3) The services for which the recruitment is now made normally in India should continue to be recruited for in that country.
- (4) In certain services arrangements should be made for the appointment of a minimum number of Indians.

the public services?" It has become now "what is the minimum number of Englishmen which must still be recruited?" My Honourable friend further said that that showed the march of events and the progress that the country had made. If I may be permitted to formulate a question of my own, it will run something like this. "Is there any reason whatever why any Europeans at all should be retained in this country unless their services were required as experts or because they possessed special technical knowledge?" That is the standard which should be applied. I do not say that that means that the European Service should be abolished. No. I say that the standard of qualification for service in India should be not because a certain proportion has to be retained, but because a certain kind of work has to be done for which the Europeans are especially qualified. Then I will be the last person in the world to share the suspicions of those to whom my Honourable friend was referring when he said that the services were supposed to come out here for their own selfish ends. The Honourable the Home Member then refuted this imaginary charge by referring to the small number of recruits that come out to India every year and said: "Can that state of recruitment mean that these people have selfish ends of their own?" Now, I must say that everybody, who takes up a service for remuneration has a selfish motive and selfish end to serve quite apart from his public duties. But I do not wish to say that these hard-worked gentlemen who come here, so far away from their native country, and who work honestly do so only for selfish reasons. Of course, there is a selfish element in the most unselfish work of which you can conceive. Nobody will deny that. But it is quite a different thing to say that a public servant comes out to this country with selfish motives. The selfish motives with which we charge the British Government lie elsewhere—not in the motives of the Services but in the motives which lie behind the maintenance of the Services. The selfish reason, however, is the maintenance of the grip over India for all time to come. That is the selfish reason. It is not that ten, twenty or a hundred young men from England should come out here every year and be provided for. No, certainly not. What we mean by selfish motives is that you are entering into our daily life day by day to such an extent that it will take—I do not know

- (5) Indian members should be appointed to service on committees which will advise on the selection of recruits.



how long it will—hundreds of years for us to shake ourselves free of you. What we want is that you should give us the right to walk erect in our streets and then you can come in any numbers you like. Come as our friends, come as our neighbours, not as our rulers.

Then I come to Part II of my amendment, which speaks for itself. We have made our position fairly clear. We have said that we will not accept anything until we are satisfied that the recommendations of the Royal Commission upon that point are correct; and, in order to satisfy us, we must have the materials that the Royal Commission had or any other materials which are likely to satisfy us. We are not sticking to the nature of the materials or the evidence. How can you expect anyone whom you ask to give money for a certain purpose to be prepared to give that money unless and until he has satisfied himself that the money is required and that he can afford it? We cannot accept the *obiter dictum* of the Royal Commission that a certain amount is fair. We must have the materials before us. One argument used in favour of this huge expenditure is the rise in prices. Where in the world have the prices not risen? Where in the world have permanent increases of salaries been given on account of the rise in prices? We know that war bonuses have been allowed in England and in other countries. One of the reasons why the Royal Commission is prepared to recommend this permanent enhancement of salaries is that in India the Services were not given war bonuses. By all means give them something which is temporary. The Royal Commission were satisfied that a case had been made out for a permanent increase in the salaries. But how can you ask us to commit ourselves to an expenditure without satisfying ourselves that that is a proper expenditure and, therefore, must be incurred from the tax-payer's point of view?

Now, sir, there is one paragraph in the preamble which I should have noticed. One can understand the grievances of those who have become grey in the Service—men who entered the Service and built high hopes, which hopes were frustrated for some reason or other beyond their control and beyond the control of the Government. But what about the fresh recruits? What about those who entered after 1919 with their eyes wide open as to what they may expect, what they may not expect; who knew that the Government of India Act had been passed and that the country was bound to have a transitional period short or long. Even taking the Government of

India Act as it stands, the very least that these gentlemen who entered the Services in 1919 should have known and must have known was that they would be subject to all the vicissitudes which are mentioned here as reasons for giving them increases. It will be insulting their intelligence to say that they did not take that factor into consideration. Are young Englishmen educated in English Universities unable to understand the simple fact that after passing of the Government of India Act, it may any day happen that from the reserved field of service they may be transferred to the transferred field of service and after being so transferred will be subject to the vote of the Council or the Assembly, as the case may be. If they knew that—and I submit that there can be no reason whatever to think that they did not—then what reason is there to provide for allowances and advancements of salaries on that ground?

Now, sir, I shall not detain the House at any greater length. But I may be allowed frankly and candidly to say what is the general feeling about this Royal Commission Report. The recommendations of the Royal Commission purport to be a part of the great scheme inaugurated by the Government of India Act in 1919 to enable the country eventually to govern itself by gradually eliminating the European element from the administration. The Act itself was ushered in with a flourish of trumpets, as a remarkable piece of legislation. It was claimed for it that it was a new departure in the art of governing subject races whereby the Governors were giving to the governed, voluntarily, and in the interests of mankind in general, the right to govern themselves. Now, sir, in the course of giving that right this Royal Commission was thought of as a necessary step. It was said that as India was progressively being entitled to responsible government something must be done to bring the Services into line with the conditions now prevailing and those which will prevail shortly in the country. What happened? It was a great gift, if it was all that was claimed for it, but as the House is aware, there were some cynical people in the population of India who for the very reason that it was a most remarkable thing which had ever been done in the history of the world, looked askance at the Reforms, at the Act itself. They did the very ungrateful thing to examine a gift horse in the mouth, but no sooner did they do it they found it was a wooden horse! The most venturesome of the cynical people I have referred to above refused to ride that wooden



horse, and made up their minds to set out in right earnest to win the real horse, or lose the saddle. The less venturesome tried to ride it; they rode it; they shook themselves violently on it but it was so fixed to a steel frame underneath that it refused to rock. They had in their disappointment to ask that the steel frame may be a little loosened, so as to give some little play to this wooden horse. That request of theirs was listened to; a Royal Commission was appointed; Indianisation was promised; but what was it that was done? To carry the metaphor a little further, some screws and nails were taken from the front and fixed behind this machinery. The results are not even a rocking horse to give them an opportunity to acquire the necessary grip for riding a real horse.

Now, sir, I know my friends opposite think that all this suspicion, all this distrust, is without foundation; but look at the things that are being done from day to day, and what do they come to? They come to this that the British Government are to stave off the evil day as long as they can—the evil day when full responsible government will be granted to this country—and meanwhile, for fear lest the day may come sooner than they imagine, what are they doing? They are sinking their foundations deeper and deeper, so that when the day really comes they may have practically nothing to hand over to the next Government, and all matters may remain in the possession of vested interests. That really is the feeling in this country, and, as I have said, there is justification for it. I will not go further than this that the history of the past few years since 1919 fully justifies an apprehension of that character.

I appeal, therefore, to this House, not to encourage that feeling by accepting the recommendations of this Commission, but to throw them out in their entirety. I think I have, by the indulgence of the Honourable the President and this House given fully my reasons for asking the House to do so.

## Appendix

*Text of the Resolution re: the consideration of the Lee Commission's Recommendations moved by Sir Alexander Muddiman on 10th September, 1924.*

“This Assembly recommends to the Governor-General in Council:

(1) That the following recommendations of the Royal Commission on the

Superior Civil Services in India be in principle approved:

- (a) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following services operating in transferred fields, namely, the Indian Educational Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, the Indian Agricultural Service, the Indian Veterinary Service, and the Indian Forest Service in Bombay and Burma, should, so far as future recruits are concerned, be appointed and concerned by Local Governments;
- (b) that recruitment of Indians for the Services in reserved fields should be increased as recommended;
- (c) that, having particular regard to recommendation (a), early steps be taken to constitute the Public Service Commission contemplated by section 96-C, of the Government of India Act, and to enact such legislation as may be necessary;
- (2) That pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended; and
- (3) That the recommendations of the Royal Commission regarding the constitution of Provincial Medical Services in Governors' Provinces be accepted in principle, subject to:
  - (a) the employment in the provinces of an adequate military reserve;
  - (b) the provision of adequate medical attendance for British Officers in the Civil Services and their families; and
  - (c) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the Army."

*Text of the Amendment to the Government Resolution moved by  
Pandit Motilal Nehru.*

"That for the original Resolution the following be substituted:

#### PART I

That having regard to the following among other facts, namely:

- (a) That the Royal Commission on the Superior Civil Services in India was appointed, and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly;
- (b) That all questions affecting the Civil Services are inseparably connected with, and entirely dependent upon the larger question of the grant of responsible government to India and cannot be entertained and satisfactorily dealt with unless and until the Resolution of this House on Responsible Government adopted on 18th February, 1924, is substantially complied with;
- (c) That the terms of reference to the said Royal Commission and the recom-



mendations made by it involve the perpetuation of an antiquated and anachronic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India which are widely different from those prevailing when it was inaugurated;

- (d) That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of government, both Central and Provincial, and the present position, powers and functions of the Secretary of State, the Governor-General and the Governors of Provinces, would continue indefinitely;
- (e) That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items;
- (f) That the said recommendations make the extraordinary provision that officers appointed to the All-India Services after 1919 as also those to be appointed hereafter shall have guarantees against and compensation for being transferred from the reserved to the transferred field of Service—a contingency which they must be taken to be well aware of when they were appointed;
- (g) That the said recommendations introduced racial discriminations in the treatment of the All-India Services;
- (h) That the recommendations of the Commission regarding the Medical Services are entirely unsatisfactory in that (1) they seek to perpetuate the complicated system of interdependence of the Provincial Medical Services upon the irresponsible Military Department; (2) they introduce the objectionable principle and a costly scheme of provision for medical assistance to Europeans on a racial basis; (3) they do not recognise the necessity of the Indian units of the Army being officered by Indian Medical officers; and (4) they propose to absorb the present Indian Medical Service into the Royal Army Medical Corps (India)—steps which will practically close the door to Indian medical men in the said corps and thereby also in civil employment;
- (i) That since the inquiry held by the Royal Commission has been unsatisfactory in that the bulk of the evidence on which the bald recommendations of the Commission are based was allowed to be tendered and accepted in camera and no material evidence is either indicated or made available to this Assembly, this Assembly recommends to the Governor-General in Council that the recommendations of the Royal Commission on the Superior Civil Services of India be not accepted, and this Assembly further recommends that instead of the recommendations referred to in clause (1), sub-clauses (a), (b) and (c) and clause (2) of Sir Alexander Muddiman's Resolution so far as the latter relates to future entrants into the Civil Services being approved, the following steps be taken in respect of future recruitment and control of the Services, namely:

- (i) That all further recruitment in England for the Civil Services in India including the Medical Service under the existing rules be stopped.
- (ii) That a Public Service Commission be established in India and the constitution and functions of that Commission be determined on the recommendations of a Committee elected by this Assembly.
- (iii) That His Majesty's Government be requested to take the necessary steps for the purpose of transferring the powers of appointment and control of the Services, now vested in the Secretary of State, to the Governor of India and the Local Governments, such powers to be exercised under laws to be passed by the Indian and Local Legislatures regulating the Public Services, including the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay, and allowances and discipline and conduct.

## PART II

This Assembly is unable in view of the present financial condition of India and on the materials before it to satisfy itself as to the propriety and reasonableness of the recommendations of the Royal Commission in respect of the alleged grievances of those at present holding office in the Civil Services, and cannot with due regard to the interests of the tax-payer assent to the imposing of fresh burdens on the already overburdened finances of the country.

But, in view of the financial relief that will result from the stoppage of all recruitment outside India under the existing rules as recommended above in Part I, this Assembly is prepared to consider the alleged grievances of the present incumbents as regards pay, passages, concessions and pensions and recommends such measures of redress as may be found necessary, and for that purpose it recommends to the Governor-General in Council to take steps for the election of a Committee by this House to enable them to go into the entire question on all the materials available to the Royal Commission including the evidence taken in camera or such other material as may be available to make its recommendations to this House as early as possible."



## Repressive Law

*Speaking first on the consideration of the motion of Dr. (later Sir) Hari Singh Gour to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, on 16th September 1924, and then on the motion that the Bill be passed on 23rd September, 1924.*

Sir, I do not intend to make a speech. I take part in this debate simply with the object of uttering a warning—a twofold warning, a warning to the House and a warning to the Government. My Honourable friend, Sir Chimanlal Setalvad, has just concluded a very able criticism of the Act based upon the language and the lack of safeguards.<sup>1</sup> Let me clear the ground at the very outset by saying that I strongly dissent with the milk and water substitute that he has suggested to the Government. Even if the Government are prepared to accept his suggestion, I hope the House will not agree to it.

Now, the warning that I wish to give to the House is this, be not

<sup>1</sup> Sir Chimanlal Setalvad, while speaking on the Bill, dealt with the provisions concerning the unlawful associations in the Indian Criminal Law Amendment Act, 1908. "Part II of the Act defines the unlawful associations", said Sir Setalvad:

"Unlawful association means an association:

- (a) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, and
- (b) which has been declared to be unlawful by the Local Government under the powers hereby conferred.

"The difficulty . . . that arises is this, that the Government have the power to declare any association to be unlawful . . . . Government may be acting on such information as may be available or be placed before them by their officers; and still one can well conceive of cases in which the association or person affected may really not be unlawful in the sense intended by the Act, and there is no remedy, so far as the declaration of the Government is concerned. The association affected cannot get the matter tested at all in any court of law and that I submit, sir, is a grave defect in the Act as it stands at present."

Sir Setalvad then proceeded to suggest that there should be some safeguards in the Act so as to enable the association concerned to represent before a judicial authority against the views of the Government.

—L.A.D., Vol. IV (1924), Pt. VI, p. 3539.

led away by the plausible argument which has been addressed to you by my Honourable friend, the Home Member. What does that argument come to? The wonder is that it has been advanced seriously in a House composed as this is. He says that the ordinary law is not sufficient. Now, please analyse this; what does it mean? What is ordinary law and what is extraordinary law? What is a special law? What is an emergency law? In order to answer any of these descriptions they must in the first instance be laws. You cannot have something which has no claim to be recognised as law to be called an extraordinary or a special law to meet an emergency. It comes to this. When a confession of this kind is made by the Government, namely, that the ordinary law is not sufficient to meet the exigencies of the case, it really means that we have failed in the art of government, that we cannot govern you any longer and, therefore, we must (—what?) administer the law strictly. No. We must be permitted to break the law in the name of the law. Here are anarchists. We are sorry to confess that we cannot catch them—we cannot stop them—we cannot annihilate them. What are we to do? We do not know what and how to do it under the law. The magnificent system of law and jurisprudence which has been handed down in England from generation to generation and which is the just pride of the England of to-day, is insufficient for us to meet the requirements of the case. What then is to be done? Obviously this, against one set of law-breakers you must by giving us authority to break the law, create a set of licensed law-breakers. That is what it comes to. What is meant by insufficiency of the ordinary law? Is there any crime, any conceivable thing that law, if it can claim to be law, cannot and does not anticipate? And what does this insufficiency of the ordinary law consist in? It consists in the inability to find evidence to convince any honest man that a particular man is guilty. That is the insufficiency. Well, I say if you are unable to deal with a case under the law, under the magnificent system of law which prevails in England<sup>2</sup>

<sup>2</sup> Mr. H. Tonkinson, Home Secretary, while speaking on the motion stated that Pandit Motilal Nehru spoke in generous terms in regard to system of law and jurisprudence in England. That system also contains provisions under which “members of certain societies are deemed guilty of the offence of unlawful combination.”



and which you have imported into this country, you must at once confess that you have no business to be in this country and give up all your pretensions to rule us as a subject race.

Then, the Honourable the Home Member says "Oh give us a substitute for the ordinary law." Now, the ordinary law has sometimes failed in other countries too. What is the substitute resorted to? I can understand that, if things go from bad to worse, the ordinary law is suspended and you institute martial law or something of that nature for a time. But I cannot understand the ordinary law to go on side by side with the extraordinary procedure subversive of all laws that was laid down in this Act. And then, please note what the argument comes to. My learned friend will excuse me if I say that all arguments so far advanced in support of this Part of the Act are mere pretences, mere camouflage, to keep it in force not for the purpose alleged but to meet quite a different set of circumstances which has arisen in the past and may arise in the future, not the conditions which really obtain in Bengal but those which may arise anywhere in India. Why do I say that? Will anyone in this House tell me how is Part II of this Act,<sup>3</sup> which still is the only Part in force, to be applied against any conspiracy, any anarchical movement? What is to be done under it to deal with such a movement? The Part of the Act which really did apply to these movements was Part I which has already been repealed. Part II deals with unlawful associations, whether you know their names or not. And what do you do? The Government issue a notification that such and such an association is an unlawful association. Is it possible to conceive that any anarchical association, any secret society, will ever be known to the Government in that sense and the Government will issue a notification against that society? Has it ever been done? Can you conceive, can any practical man conceive, that a secret society will act in such a manner that the Government will be able to issue a notification? And, if the Government are not able to issue a notification what happens? Why anarchical crime is committed? And when it is once committed, you have to catch the offender just as you would any other offender, whether this Act is applicable or is not applicable, whether it is in force or is not in force. The whole argument of my learned friend is based

<sup>3</sup> See footnote 1, *supra*.

upon the list of outrages which have recently happened in Bengal.<sup>4</sup> I put it to him and to every Member of this House to tell me, how any of those outrages could have been stopped by the application of Part II. If a man is caught redhanded or if he is subsequently traced and put on his trial and if Part I were in force he could have been dealt with under that Part, but I say again that Part II has absolutely no reference to a case of the kind that has been mentioned.

Well, then, what is the substitute for this law which should be adopted in a case like this? What is first of all the evil which has to be removed? The substitute for the Act will, of course, be the remedy for that evil. The evil is this alien rule—this government by force—this government against the will of the people whom you are governing, and the one remedy for it is to let the people govern themselves. There is no other remedy. You may try your best. You may invent and manufacture all sort of engines of repression, I can assure you that they will be of no avail and they will recoil upon you in course of time. Has any nation in the world yet succeeded in governing a people as you are trying to do?

Then, I wish to say a word about the interview of Mr. Das which my Honourable friend has given to the House as a confession of the Swaraj Party.<sup>5</sup> Now, sir, the Swaraj Party stands upon its own legs. It treats the charges of corruption such as those that were mentioned at question time this morning<sup>6</sup> with the contempt they deserve.

<sup>4</sup> For details, see pp. 199-203, *infra*.

<sup>5</sup> In the course of his speech the Home Member referred to the interview which Deshbandhu C. R. Das, the Leader of the Swaraj Party in Bengal, gave to a Press Correspondent sometime back wherein he expressed his views concerning the movement in Bengal. "The interviewer", said the Home Member, "apparently asked him 'You think, then, that there is an anarchist movement in Bengal?' 'Undoubtedly' replied Mr. Das, 'and a much more serious anarchist movement than the authorities realise.'"

—L.A.D., Vol. IV (1924), Pt. V, p. 3527.

<sup>6</sup> The Home Member, in reply to Starred Question No. 2057, dt. 16-9-24, quoted the following from the speech of Lord Olivier, delivered by him in the House of Lords on 21st July, 1924, concerning the alleged purchase of votes by the Swaraj Party,

"In that (Bengal Legislative Council) Assembly the Swaraj Party, not being able actually to lead or to procure a majority of votes, for the purpose of embarrassing the Government, organised the purchase for cash of the requisite balances either of votes or abstentions to enable them to win the narrow divisions which they did. This fact is notorious."



It challenges public inquiries into every act and conduct of theirs. They are people who act aboveboard. No C.I.D., no special laws are necessary. You know when this very enactment was used against members of the Congress Party, what did they do? They went to the Court; they broke the law, and they said they had broken it and there was an end of the matter. Well, Mr. Das says there is a more serious anarchical movement than the authorities realise. Now, sir, I do not know upon what materials Mr. Das made that statement, but I wholly endorse it, every word of it, and not only that, but I say that, if you do not take care, you will one fine morning wake up to find the whole country full of a honeycomb of secret conspiracies and you will not know how to deal with it. Why do I say so? Not because I am in concert with any of these conspirators. If I were I would admit it, but in fact I am not and my own inclinations do not take me that way. But I say as a reasonable man, who can put two and two together, that I know what ails my countrymen. I know how the wave of anarchy arose. I have watched the ebb and flow of the wave. You may pride yourself in the belief that it was your repressive laws that put down anarchy in Bengal for a time. Nothing can be farther from the truth. What actually happened was that Gandhi came in with his non-violent non-cooperation and put an effectual stop to all these anarchical crimes for the time being. It is you who crippled him. It is you who deprived him of the opportunities he possessed, and you must take the consequence. These conspiracies must revive in the ordinary course of things, and you cannot expect otherwise. Now, as I have already said—and I need not for that purpose read the provisions of the Act, it has nothing whatever to do with the activities of the anarchists, because they work underground. You cannot catch them. They have no tangible associations. They have no name for their associations except perhaps Red Bengal. By all means declare Red Bengal as an unlawful association. How many people will you

The Home Member further stated:

“The significance and importance of a vote in a Parliamentary election, or in a Parliament rest only upon the will or spirit in which it is given. If it is given on account of bribery or on account of fear those who are responsible for, and who are entrusted with the power to carry on, the King’s Government, know very well that they have no real force whatever to contend with, but only something which can be bought or frightened.”

—*Ibid.*, p. 3501.

catch? Who will come forward and say "I am a member of the Red Bengal society". Red Bengal will commit its crimes. It will work underground. Only when a crime is committed you will be able to identify a man as a member of the Red Bengal society or association, whatever you may call it. But Part II will never come into play. It is only Part I that could come into play. The real use of the Act has been—as my learned friends who have spoken before me have already mentioned—against people of a more dangerous character than even anarchists. And who are they? People like my friend C. R. Das and myself. Why are we so dangerous? Because we have made it our business to awaken the people to a knowledge of their real rights, to inform them how they are misgoverned and to demand that they should be governed by themselves. That is the danger of it.

I do not wish to detain the House any further. I will only say that this Act is a most outrageous law. It is a blot upon that magnificent system I have referred to above. It is blot upon the English nation and upon British character. I will say one thing before I sit down and it is this. If this law continues in force and if this law is applied in my own province or if a modification is issued in provinces to which this law applies, I shall take it to be my highest duty to break the law myself and to call upon others to break it.

#### ON THE MOTION THAT THE BILL BE PASSED

As I have been honoured by the Honourable Mr. Tonkinson by his references to me more than once in the course of his speech<sup>7</sup>, I think it is but fair to me and to him that I should be allowed to trespass on the patience of the House for a few minutes. I have often had the misfortune of being misrepresented by the opposing Counsel in law courts and of having my argument so twisted as to be used in support of his argument. But the manner in which the Honourable Mr. Tonkinson has persuaded himself to believe that

<sup>7</sup> In the course of his speech on the motion, the Home Secretary, Mr. Tonkinson quoted extensively from Professors Dyce and Sidgwick to show that the right of formation of an association was restricted by the obligation that it did not limit the freedom of its members and the freedom of outsiders. The views of these Professors relating to associations were very much appreciated by Pandit Motilal Nehru.



he has the support of my own argument for his case is, to say the least of it, most surprising. He says that I gave my opinion as to what the present condition of the country was and as to what it may become, and in those circumstances he says it will be very unwise for the Government to throw away the weapon that they have.

Now, sir, the whole draft of my speech on the second reading of this Bill was that it was the Government who was responsible for these associations; that it was the Government that had brought them into existence, and that if you do not mend your ways, you may be sure that one fine morning you will wake up to find the whole country a honeycomb of secret societies. That was my argument. I said you were standing on the edge of a precipice. Have a care, one false step will hurl you many fathoms down into the abyss. Mr. Tonkinson says that on my own showing it is for the Government not only to stand on the brink of the abyss but also to dash down into it. He is welcome to use my argument in that way.

The fact that you have not been able to touch the associations that you are afraid of, namely, the anarchical associations, under this Part of the Act and the fact that you cannot possibly touch them, were my reasons for asking you to desist from keeping this law any longer on the Statute-book. I asked the Honourable the Home Member at the time when he was talking of this law as a weapon how the weapon was proposed to be used. He said in effect what the Honourable Mr. Tonkinson has said to-day, namely, that by suppressing such associations at an early stage he would prevent them from ripening into anarchical associations. Mr. Tonkinson has now said that the law may be applied to waverers. Now, sir, that is a very dangerous proposition and one which we should examine further. How are we to know who are the waverers, and how is the law to deal with waverers? I think the only law to meet a contingency like the one contemplated by the Honourable Mr. Tonkinson would be one enabling you to take charge of all the young men in the country whose minds are beginning to be imbued with patriotic ideas, who begin to think of their country, and of their lot in it, who are wavering between joining of anarchical movement and doing what they can for their country in other ways. The only law which will meet a case like that would be a law if you can have it passed in this House or any other, enabling you to

take charge of all the young men in the country to see that they may not develop at a later stage into anarchists. Then the Honourable Member referred to one class of criminals, the Congress volunteers. The line upon which they stood was that one false step would lead them to anarchy. The right step, which of course, would be the application of the Act, would make them very good citizens. These volunteers were Congress volunteers. What did they object to? They objected to any encroachment on the very natural and elementary right of association which this Act denied to them. They were a determined set of people—there was no wavering there. They went to jail in their thousands and in their tens of thousands by breaking this very law, knowing fully what they were doing, and determined to do it again if occasion arose. Can you call them waverers? They did it, and there were so many of them who followed this course that you were not able to send them all to jail. To do that you would have to convert the whole of this country into an enormous jail. Well, then, what is this weapon for? As Mr. Jinnah has said, and as I have shown in my remarks on the second reading of this Bill<sup>8</sup>, you cannot possibly touch any real anarchical society. I hope I have disposed of the argument, so far as it deals with waverers.

Then it is said that such a law is not peculiar to this country. My Honourable friend has unearthed some old English Statute, in which he said that the law of unlawful assemblies is very similar to the law laid down in this Act. I am sorry I was not in the House when he made those observations; I shall only deal with them on the report I have received of his remarks. Well, no one has ever denied that unlawful associations have to be dealt with under the law, that there have been laws dealing with unlawful associations from the beginning of civilization, and that there will be such laws to the end of civilization. But I should like to ask the Honourable Mr. Tonkinson whether any man in England incurring the displeasure of the bureaucracy—I mean the executive, there being no bureaucracy in England—can be declared to be a member of an unlawful assembly. The objection to this Act is that it leaves in the hands of the Executive what is the province of the Judiciary. I say with confidence that there is no law of this kind in any civilized country, there never has been and never can be any such law in

<sup>8</sup> See pp. 187-92, *supra*.



a civilized country in normal times, namely, in times like these. When I say "normal times" I distinguish such times from those when it becomes necessary to enforce martial law. In such times there may be any number of secret societies, and conspiracies. It is for the ordinary law to deal with them. There can be no other law which leaves it entirely in the hands of the Executive to decide whether a particular association is an unlawful one or not. But once a court of law holds that a particular association is an unlawful assembly, there are the provisions of the ordinary law to deal with that association. You do not want a special Act for it. The real sting of this Act lies in the fact that you rob the Judiciary of its proper function and invest the Executive with a power which it does not and should not possess in any country. That was my point, sir. As for the reputation of this House, well, I do not know how much of it is left in the minds of my friends opposite. I think it was the weakest reed for my Honourable friend to rely upon. The reputation of this House is that it has pledged itself to the repeal of all repressive laws. That this is a repressive law can admit of no doubt. The House will only justify its traditions and its reputation if it passes this Bill.

## Ordinance Unjustified\*

*Speaking on the Resolution moved by Mr. Duraiswami Aiyangar re: the Bengal Criminal Law Amendment Ordinance on the 5th February, 1925.*

Sir, I rise to support the Resolution<sup>1</sup> moved by my Honourable friend Mr. Duraiswami Aiyangar. In doing so I do not propose to trouble the House with well-established rules, applicable to the primary duties of the State to protect the elementary rights of the people, even under the most difficult of conditions.<sup>2</sup> Enough has

\* “While an atmosphere of peace and concord was thus being created by the efforts of all classes of men in India led by the almost divine energy of Mahatma Gandhi, *Satan* lurked behind, and watchful of the trend of events suddenly dropped his bomb scattering desolation all around and rousing the bitterest hatred and anger in the hearts of men. At once the atmosphere created by Mahatma Gandhi was befogged, and by one demonic stroke the balmy sense of unity which was just beginning to glimmer after years of unholy strife was dispelled. On October 25, 1924, was promulgated a new Ordinance, a twin of the Regulation III of 1818, and Calcutta and the rest of Bengal was thrown into a wild tumult of indiscriminate arrests, house searches, raids and all the other concomitants of Police terrorism.”

—Contained in Mitra’s Annual Register, Vol. II, 1924, p. 160 (b).

The Ordinance empowered the Commissioners to try persons for offences other than those for which they had been sent up and to grant pardon to approvers. It empowered the local Government to treat suspects as under the Bengal Regulation III of 1818. The Act also empowered the Government to direct any police officer or other officers of the Government to arrest any person or search any place without trial.

<sup>1</sup> “This Assembly recommends to the Governor-General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor-General for and in the province of Bengal.”

—L.A.D., Vol. V(1925), Part I, p. 392.

<sup>2</sup> The position in England in regard to the suspension of fundamental rights, as stated by Lord Shaw is :

“To bereave a man of life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom. But confinement of the person by secretly hurrying him to goal, where his sufferings are unknown or forgotten, is a less public, a less striking, and there-



been said on that subject in this Chamber, in the Press and from hundreds of platforms. To my mind arguments based upon those principles beg the whole question. I say so because I recognise the utter futility of our basing any arguments upon rights which, inspite of Royal Proclamations and official assurances, we know we do not possess, and cannot enjoy under an alien Government, the sole sanction for which lies, not in the will of the people but in naked, brute force. Sir, I will, therefore, confine myself to an examination of the grounds and the materials placed before this House by my Honourable friend the Home Member,<sup>3</sup> and it will be my purpose to expose the hollowness of those grounds as offering no justification whatever for the promulgation of this Ordinance, or the action taken thereunder. I shall follow the example of my Honourable friend and go direct to the facts, or to be more accurate, the mixture of fact and fiction which he has placed before the House.

Now, sir, the Government case is this: There is a widespread movement, a deepseated movement of a revolutionary character, which is supported by secret societies spread all over Bengal. Its object is to overthrow the British Government by murders, by other offences and by terrorism generally. So far as the existence of a revolutionary movement is concerned, I think it may be freely granted that it does exist. It may also be freely granted that there is some

fore a more dangerous engine of arbitrary government. And yet sometimes, when the State is in real danger, even this may be a necessary measure. But the happiness of our constitution is, that, it is not left to the Executive power to determine when the danger of the State is so great as to render this measure expedient. For it is the Parliament only, or a legislative power, that, whenever it sees proper, can authorise the Crown, by suspending the Habeas Corpus Act for a short and limited time, to imprison suspected persons without giving any reason for so doing.”

—Appeal Cases, 1917, House of Lords.

<sup>3</sup> Sir Alexander Muddiman referred to a number of revolutionary crimes which were being committed in Bengal and which forced the Government to promulgate the Ordinance in question. Turning to the history of revolutionary crimes, Sir Muddiman stated:

“During the years 1908 to 1917 the fair province of Bengal was attacked by almost virulent outbreak of revolutionary crime. It was to be effected by secret societies, by exciting racial feelings, by obtaining funds, by robbery and violence and by endeavouring to protect those guilty of these crimes from the consequence thereof by a concerted system of intimidation which was carried out to a great degree of efficiency.”

—L.A.D., *op. cit.*, p. 406. Further details, *see* pages 199-203, *infra*.

organisation which directs its operations. The question, however, sir, is whether that movement is so deepseated, and those organisations so widespread as to call for the exercise of extraordinary powers, and the suspension of the ordinary criminal law of the land. I submit, sir, that on the materials placed by the Honourable the Home Member before this Chamber there is no such case made out, and I shall at once proceed to an examination of those materials.

Now, sir, the case for the Government has been put very tersely in one sentence by His Excellency the Governor of Bengal.<sup>4</sup> The same things have been stated in various other pronouncements of the Government in a more or less diffused form; but I think I shall be putting the whole case in a nutshell if I remind the House of how His Excellency Lord Lytton put it. This is what His Excellency said in the Bengal Resolution of the 25th of October, 1924, when the Ordinance was published in the Gazette:

“Terrorism of witnesses and juries, the failure of juries through fear to return verdicts in accordance with the evidence, the murder of witnesses and persons who have confessed or turned King’s evidence, the fear of witnesses to disclose facts within their knowledge, all combine to render justice unobtainable under the existing law. These have already operated in more than one recent case.”

Now, sir, what we have got to do is to test the accuracy of that statement and see how far it is borne out by the actual facts. I shall crave the indulgence of the House to allow me take it through the whole string of cases as briefly as I can in chronological order and establish to demonstration, with the confidence of one who has

<sup>4</sup> After the promulgation of the Bengal Ordinance, the defence commenced with a speech by Lord Lytton at Malda on the 24th November 1924, in which he said :

“Men who live within the law are entitled to the protection of the law, but men who defy the law, who live outside the law and menace the liberty of those who live within it, who take upon themselves to decide without any process of law who shall live and who shall die, these men have no right to the protection of the law. They are outlaws. They are a danger to the State, and their liberty is forfeited. It is against such men and such men alone that the special powers which my Government have asked for and have obtained are being directed.”



minutely and carefully studied each one of those cases, that the position taken by the Government is not at all tenable.

The very first case which happened in May 1923, is the case of dacoity with double murder, committed at a place called Kona near Howrah. That case marks the opening of the campaign of terrorism, not by the revolutionaries but by the Government, because it was an entirely false case, fabricated by the police and supported by perjured evidence. I shall tell the House what the real facts of the case were. I am reading from the *Calcutta Weekly Notes*, Volume 29, No. 4:

“The Kona dacoity case. It transpired in evidence that two zamindars who were murderously assaulted in the course of the alleged dacoity died in hospital. One of them in making a dying declaration mentioned the names of some of the assailants and stated that a family quarrel was the cause of the assault. Some ladies of the family also identified the assailants. The approver who alleged that the dacoity was committed in pursuance of a conspiracy stated that he had driven and returned. To test the truthfulness of the approver the jury suggested that the approver should be asked to drive a motor car outside the court premises. A trial was held and it was found that he did not know at all how to drive a motor car.”

Then comes the comment of the Editor<sup>5</sup> with which I need not trouble the House.

Now, what is the lesson of that case? Here is a man assaulted murderously making a dying declaration in which he said the assault was due to a family quarrel and that it was a case of private revenge for a private wrong. The ladies of his house who gave a description of the assailants supported the story. All that is turned by the police for its own purposes and in order to make out a revolutionary movement in Bengal into a case of anarchical crime. My Honourable friend Mr. Bipin Chandra Pal referred to this incident rather playfully and the House was inclined also to take it in the same spirit, because it seemed to be a huge joke for a man to say

<sup>5</sup> The Editor of the *Calcutta Weekly Notes*, while commenting on the case, stated that “This case is very instructive as to the risk of relying on the testimony of approvers unless it is tested and corroborated in a regular judicial trial.”

he could drive a motor car and when put to the test to be found unable to do so. But it is really a very, very serious matter. It is not merely the inability of a man who pretends to be able to do something which he cannot do. It shows clearly what was the genesis of this terrorist movement in Bengal after the year 1919. It shows that your police is so unscrupulous, is so far gone down into the depths of depravity, that they would not scruple to let go the real assassins who had nothing whatever to do with any political movement and substitute others in their place. In order to bring the political movement into discredit they would go to the length of manufacturing a case from beginning to end implicating innocent persons whom they did not like and taking no proceedings against the real culprits who may have been some disappointed relatives or friends of the zamindar. This, sir, is, as I have already said, the beginning of terrorism in Bengal.

The next case that was referred to by my Honourable friend is described as the Ultadingi Post Office case. It was stated that a post office in Ultadingi had been looted. I have not been able to trace this case as an independent case in any of the reports, but I find that it was included in the Alipur Conspiracy case. The dacoits, or the robbers, whoever they were, were never traced. All we know is that a certain post office situated in a certain locality was plundered. Now, this formed one of the links in the chain of the Alipur case and it was put forward in that case as showing the existence of a conspiracy in Bengal.

Now look into the Alipur case. What happened? The whole force of the prosecution was directed on the double murder in Kona and this Ultedingi case. The approver having broken down entirely, the jury and the Judge both agreed after a protracted trial lasting several months that the accused were not guilty and all the accused persons were accordingly discharged. Now, I ask, in the name of common sense, could any jury in the world have convicted a person of conspiracy when the most important evidence before them was clearly fabricated and clearly perjured as to the chief events which constituted the conspiracy? The jury came to that conclusion and the Judge agreed with them and all the accused were acquitted; but no sooner did they step out of the court room into the verandah, what happened? Four of them were taken in custody again. And why? It was first alleged that it was under Regulation III of



1818;<sup>6</sup> but these four knew something about it. They asked if the sanction of His Excellency the Governor-General was there, if the order of His Excellency the Governor was there. These orders were not there and the police had to proceed under Section 54 of the Criminal Procedure Code<sup>7</sup> and arrest these men. In course of time the order of the Governor-General and the order of His Excellency the Governor of Bengal under Regulation III of 1818 were available and the men were consigned to oblivion.

Then, sir, we come to the next case. It is called the Sankariotala murder case. I doubt very much if it can be connected with that movement. There cannot be the least doubt that loot was the principal object. That case may be taken with the next case, namely, the Day murder which undoubtedly was a case of revolutionary crimes. That both these murders were most deplorable there can be no doubt, but is there any justification by reason of those murders and the facts attending the trial of the accused that reveal the state of things which has been described by His Excellency the Governor of Bengal in the extract which I just read out?

Let us see what happened in those cases? Both in the case of the Sankariotala postmaster who was murdered and in the other it was not the police—they were of course *non est*—they always arrive after the event—it was the citizens of Bengal who captured the assailants and brought them to justice. In both these cases witnesses came forward freely and gave evidence fearlessly upon which the jury convicted fearlessly. Indeed in the case of the murderer of Mr. Day there was a plea on behalf of the accused that he was insane. There was evidence supported by medical certificates that the man was a maniac; but the jury refused to consider that plea and convicted him of murder. Both these men were sentenced to pay the extreme penalty of the law. These are the cases that are dangled before our eyes in season and out of season, cases of brutal murder no doubt, but where is there any justification, pretence, for saying that justice has miscarried in any one of them?

Then, sir, we come to a series of cases which happened in December 1923. This series begins with the robbery of some property belonging to the Assam Bengal Railway worth, it is stated Rs. 17,000.

<sup>6</sup> See footnote 5, XXIII, *Infra*.

<sup>7</sup> Section 54 of the Criminal Procedure Code empowered the police to arrest any person without a warrant for a cognisable and non-bailable offence.

As usual, the robbers have not been traced. The property has not been recovered; but while the police were engaged in their investigation there was a slight scuffle between them and two young men who were subsequently discovered to have pistols in their possession. These were arrested, and how? By the villagers or by the help of the villagers and not by the police. That was one case. Next, it is said by my friend, the Home Member that a sub-inspector was shot down like a dog. That a sub-inspector was shot down was proved and proved by evidence of Indian witnesses with the result that the accused were convicted and sentenced. There again, I ask, assuming that these cases were prompted by some revolutionary organisation, where is the justification for saying that the ordinary law has failed? The real test, sir, for the promulgation of this Ordinance and for the action taken thereunder is: has or has not the ordinary law failed? Is there a likelihood or not of the ordinary law failing in future?

Then we come to the next series. There was a bomb factory discovered sometime in March 1924. How was it discovered? Not by the action of the police. Not that they had done anything very remarkable in unearthing something which it was impossible otherwise to discover. No, they came upon a bomb factory by the sheerest accident while they were probably engaged in manufacturing evidence for some other case against some innocent person? It is admitted in the Government statements that it was by the sheerest chance that this bomb factory was discovered by the police. Well, it was discovered, men were arrested, men were tried, men were convicted and sentenced. What more do you want? It (the factory) was taken possession of by the Government, I suppose for future use.

Lastly, three youths suspected of watching the house occupied by police officers were arrested. We do not know what they were doing there, but whatever may have been their object, these three youths were arrested, tried, convicted and sentenced. There was no witness in the case who showed any fear in giving evidence against any one of these accused, there was no juror who shook with fear when he was asked to give his verdict. They all gave it fearlessly and in the honest discharge of their duty.

Then, sir, my friend gave the case of a "well-known member of the party arrested in Calcutta with a loaded revolver." This again was a case in which there was a conviction and sentence.



I wish to ask my Honourable friend why he has mentioned these cases. Was it simply because these murders and these assaults had taken place? The mere occurrence of a case or two of murder and the mere fact of arms being found in possession of a person when those concerned are adequately dealt with by the existing law, are not enough for promulgating an Ordinance.

The last case we have is an off-shoot of the Mirzapore Street bomb case. What happened? A bomb was thrown into a *Khaddar* shop, the bomb exploded, it killed one and severely injured another, the police were not there, it was the man in the shop who jumped out, gave chase to the thrower of the bomb and eventually captured him with the assistance of other people in the street. Then the police appeared and then there was a case. The result of that case was that one of the men was convicted, the other man was acquitted and I beg the House to note particularly the fact. . .

*The Honourable Sir Alexander Muddiman*: I am really sorry to have to interrupt the Honourable Member, the man was not convicted in the Mirzapur bomb case.

*Pandit Motilal Nehru*: I beg your pardon, the man is still under trial, I think.

*An Honourable Member*: The Government withdrew the prosecution.

*Pandit Motilal Nehru*: I am sorry I was thinking of the first trial. There was a reference to the High Court and then there was a retrial ordered and when the case came up for retrial the Government withdrew from the case; they did not proceed with it. Now, a great deal is made of the murder of the acquitted man. My friend, the Home Member is reported in the Press to have stated that this man was an approver. But my notes show that what he stated was that the man had made a statement to the police. The man who was actually tried, against whom evidence was adduced and in favour of whom there was a unanimous verdict of the jury of acquittal, could not have been an approver in the case. If he was a man who was acquitted by the jury by its unanimous verdict, I wish to know when he made the statement to the police implicating himself. Are we to believe that a man against whom the Government proceeded with all their strength, gave all the evidence that they can, a man who secures his very acquittal by a unanimous verdict of the jury against such odds goes the very next moment

to the nearest police station and says "Here I am, I am sorry the jury has acquitted me, I am really guilty, please take down my statement." Are we children? How can any man believe that a person who has been acquitted in that way will go to the police and make a statement? I should like to have that statement, I should like to know before whom that statement was made and what is more important, I should like to know through what process this man had to pass before he came to make that statement if he ever made it. But we knew that he had not time enough to do so because he was acquitted on the 29th of September and on the 3rd of October his body was found in a mutilated condition somewhere between Dum Dum and some other place.

Well, sir, these are all the cases. In all these cases we find there are two or three which certainly and unmistakably point to anarchical order. But I have admitted at the very outset that there is some such movement in Bengal. On the facts before us there is little doubt about it.

I shall presently show why and how that movement came into existence.

But I stop for a moment to ask again what is there to justify any one, of the statement made in the extract which I read out from the Resolution of the Government of Bengal? Where is there a case where an approver has been murdered? Where is there a case in which a witness has been threatened and which has been brought to the notice of the court? Where is there a case in which the jury has failed to return a verdict of guilty in circumstances under which any other jury in the world could have returned that verdict?

What has been really established is this, that wherever there has been a case in which it was possible for private citizens of Bengal to help in the detection and prevention of crime, they came forward with remarkable readiness and assisted the authorities even at the risk of losing their very lives. That is what has been established by these cases.

Are you going to reward these men who have served the State, who have served the public in the manner I have shown, by putting them in the hands of the police in the way in which you have by this Ordinance? The most serious thing shown by these cases is the way, the reckless way, in which the police manufacture evidence.

Sir, I venture to say that if you look into the history of crime in



other countries, you will find many more cases of this character than have occurred in Bengal. But what is the difference? In those countries crime is put down by the aid of the ordinary law, by an honest police, by a police which know how to do their duty. Here if any prosecutions have failed, they have failed simply because the police are wholly incompetent and have miserably failed in the discharge of their duties. The only thing, in all these cases I have referred to, that stands to the credit of the police is the accidental discovery of the bomb factory, for which they were not responsible.

The real fact is, that all these phrases, murders of approvers, murders of witnesses, intimidation of jurors have been borrowed from the Rowlatt Committee's Report. It is not for me to go into them, it is to be found in the murder of one solitary approver of the name of Gossain who was killed as far back as the year 1906 in the jail by his co-accused.

Well, as I have said, it is not for me to go into the facts of that case. I say that it is unfair, it is unjust, to go into facts of any case which happened before the year 1919 when the Royal Proclamation extending general amnesty to those involved in previous cases was made. By calling those facts to your assistance, facts which happened before the year 1919, you are stultifying yourselves, you are stultifying the Royal amnesty. If you do not take any of those facts into consideration, I challenge my Honourable friend the Home Member to show even a single instance of the use of threats, ill-treatment of approvers and witnesses and intimidation of jurors that has been stated in all the Government pronouncements. What you have got to show is not the occurrence of crime—there is crime in every country—but that the ordinary law of the land is inadequate to deal with that crime. It is this that you have to show, and if you fail to show this, you do not make out a case for any Ordinance or extraordinary powers.

Now, sir, these imaginary murders of approvers, of witnesses and jurors are not to be found merely on the brain of the Government here. The fever has been communicated to the Government in England and what do we find? This is what the Under-Secretary of State, the noble Earl Winterton, stated from his place in the House of Commons in the recent debate on the motion of Mr. Scurr. I read from a Reuter's telegram dated the 19th December last:

“Earl Winterton gave examples of cases of treatment of witnesses which he said were certainly not going to recur if the Government of India and the Imperial Government could prevent. He cited *inter alia* the Alipore conspiracy and the Calcutta bomb cases in which there was murder of witnesses.”

Murder of witnesses in the Alipore case and in the Calcutta Bomb case!

*Mr. Bipin Chandra Pal*: The Alipore Case of 1908.

*Pandit Motilal Nehru*: Yes, there was the Alipore case of 1909, the Gossain case I have already mentioned, but the Under-Secretary of State had in mind the words of His Excellency the Governor of Bengal that these murders had recently happened. The exact words are “these have already operated in more than one recent case.” Where is even one recent case? I shall not ask you for more than one; give me one recent case in which these things have operated, in the words of His Excellency.

As I am on this cablegram, I will read the earlier part of it also:

“Earl Winterton dealing with the Ordinance pointed out that there was reasonable certainty that witnesses would come forward with a sense of security, convictions would follow and prosecutions would be held under the ordinary law, but where there was a strong presumption that witnesses would be intimidated and murdered, there should be no recourse to trial in ordinary courts.”

Now, sir, here is a test which I am prepared to accept. How am I to make out that there is a reasonable certainty that witnesses would come forward with a sense of security and give evidence except by showing that witnesses have actually come forward to give evidence without requiring any security for their safety? I have shown that in every one of these cases witnesses have given their evidence fearlessly and that convictions have been secured where they could possibly have been expected. I, therefore, submit, sir, that there is no justification for the Ordinance in the cases which have been referred to.

Let me now take some other circumstances mentioned by my Honourable friend the Home Member. He said that between July



and October there were no less than five attempts to murder officials. How do we know that? He proudly said, that those attempts were frustrated by the vigilance of the police, and then piously added "and by the hand of God" and finally gave all the credit to the police. I am simply amazed at this credulity on the part of the Government. Here is a police informer giving information of very terrible things that were going to happen if he had not prevented them. They praise him for his vigilance and they thank God for protecting them by His own hand.

How are we to know? My friend says: we cannot put all the facts before you. Well, that is for the simple reason that they are unbelievable. What can they be? Can they be anything but your informers' reports? Can they be anything but the statements, one-sided statements collected by the police? Whatever the character of these statements, you know that nobody will believe them. Here I will point to an incident which will show how these things are done.

My friend, Mr. Bipin Chandra Pal referred to the humiliation and confinement of two very worthy citizens of Bengal, Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra. He just referred to it, and my friend Mr. Patel thought that they had been arrested owing to some mistake and that it was subsequently discovered that they were really innocent and set at liberty. Now it is very interesting to inquire how it happened and we have on this point no less an authority than that of Sir Hugh Stephenson, who from his place in the Bengal Council said:

"I should like to mention specifically three cases which have been used in the Press to show doubts on the efficiency, if not on the *bona fides* of our methods. The first two are those of Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra. It has been said that no one will believe that they had anything to do with terrorist crime and that, therefore, the secret information of the police must have been false and Government may equally well be deceived by such false information now. I never knew Babu Aswini Kumar Dutt, but I am glad to think that Babu Krishna Kumar Mitra is a personal friend and I entirely acquit him of sympathy with terrorist crime. But as far as I know no one has ever accused him or Babu Aswini Kumar Dutt of promoting crime still less of taking part in it. The Bengal Government asked for

the use of Regulation III in the case of Babu Aswini Kumar Dutt because—(*now the cat is about to come out of the bag, as an Honourable friend said yesterday*)—of his whirlwind campaign of anti-Government speeches . . . ”

Now, sir, if I am taken at this moment under this Ordinance, there would be perfect justification for it because I have raised a whirlwind of anti-Government speeches in the past and intend to continue to do so in the future. Then he continues :

“and his control of the Braja Mohan Institution from which a stream of sedition preachers are constantly pouring. In both these cases—(*now this is very important*)—the activities for which these gentlemen were restrained were open and public; there was no need of secret information and there was none; there was no question of Government being deceived or of police information being false and the argument that it is sought to found on these two cases falls to the ground.”

The particular argument Sir Hugh was meeting was a very weak argument, and has, I submit, fallen to the ground. But Sir Hugh probably was not aware of what I hope the House will at once see from his statement, namely, that a much stronger argument has been actually conceded by Sir Hugh Stephenson. You do not arrest men because of your being suspected of anything. You catch hold of honest men, men you know to be innocent, men you believe to be patriots, men you believe to be working in the cause of their country. You catch hold of them. And why? Because they make anti-government speeches. That for the methods. In this connection I may be permitted to remind the House of what Lord Morley<sup>8</sup> said in his *Recollections* as to these methods, because it is exactly what has happened in the present case and history has repeated itself. Writing to Lord Minto<sup>9</sup>, said Lord Morley, when nine men were caught under the Regulation and Lord Morley was pleading for their release Lord Minto would not listen :

“You have nine men locked up a year ago by *lettre de cachet*,

<sup>8</sup> Secretary of State for India.

<sup>9</sup> Viceroy of India.



because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time it looked as if the *coup* were effective, and were justified by the result. In all these, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder, and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine detenus you have found out a murder-plot contrived, not by them, but by other people. You say, 'We admit that being locked up they have had no share in these new administrations; but their continued detention will frighten evil-doers generally.'

I ask the Members of this House to tell me, I ask the Home Member to tell me what difference is there between this method of frightening evil-doers by detention and the very much abused Russian frightfulness? Indeed, Lord Morley himself looks upon it in that light. He proceeds to say :

"That's the Russian argument; by packing off train-loads of suspects to Siberia we'll terrify the anarchists out of their wits, and all will come out right. That policy did not work out brilliantly in Russia, nor did it save Russia from a Duma, the very thing that they deprecated and detested."

Now, my friend the Home Member was asked : "When are you going to let men off?" He said as soon as it was consistent with "public safety". Well, sir, I was wondering as to what public interest and public safety might mean, and it seems to me that it can have only one meaning in this country and that is bureaucratic safety and bureaucratic interest, as is clearly shown from this correspondence which passed between Lord Morley and Lord Minto. Then, sir, I am informed—I was not in the House at the time—that my friend, the Home Member, showed much righteous indignation and pious horror at the mention of *agent provocateur*. I was told that Mr. Bipin Chandra Pal referred to something which was said by Sir Reginald Clarke.

*Mr. Bipin Chandra Pal* : Written by Sir Reginald Clarke in the columns of the *Times*.

*Pandit Motilal Nehru* : No, it was not written by Sir Reginald Clarke—I will give you his very words—I think it occurs in a speech of his :

“I have had much experience of these agencies in the East, and often wonder whether they do not raise more devils than they lay.”

And then, talking of police informers :

“One had to use them to fight anarchy, but their inevitable concomitants, the *agent provocateur* and the *lettre de cachet*—alienate public opinion to such an extent that they can never be continued for long.”

I do not know if my friend meant this or some other.

Then, there is another document, sir, which I wish to refer to. This is the State Prisoners' Memorial to Whitehall. It is dated 25th July, 1924, and the names of these persons are Bhupendra Kumar Dutta and Jibanlal Chatterjee. This memorial was submitted to the Government of India to be transmitted to the Secretary of State for India. These are persons who were arrested sometime in September 1922. One of them was to be the editor of the *Forward* newspaper which was then proposed to be started. The other two were the manager and the editor of two vernacular papers who had declared in favour of the Swarajist policy of entering the Councils either to end or mend them. These three were taken under the Regulation. After nine months they sent this petition which was published in the *Forward* and what I am holding in my hand is a reprint from the *Forward*. These were men to whom the general amnesty of 1919 was extended. The charges that were served upon them were these :

“(1) You were arrested in the year (*given the year of the last arrest*) and detained as State prisoner and released under the Royal amnesty in the year (*year given*). (2) You were conspiring to overthrow the British Government. (3) You started and maintained *Ashramas* which were centres of revolutionary recruitment. (4) You were directly or indirectly connected with the



collection of firearms. (5) You were connected with the Indian agents of Bolshevik Manabendra Nath Roy. (6) You were privy to the murder of police officers.

How delightfully vague. Who is there in this House who can defend himself against such vague charges if they were brought against him? If the Honourable the Home Member serves upon me these charges and calls upon me to defend myself, what can I say? However, I am not pleading for these men or for their release from wrongful arrest, but I am referring to their memorial to draw attention to certain facts they mention here which have a bearing upon the question whether there is or there is not an *agent provocateur* at work in Bengal. They say :

“We must state facts as they are. We do not deny, rather we are proud to declare that there is a widespread and deeprooted—(*What? Not conspiracy*)—a deeprooted demand for liberty and the thirst for liberty is very great amongst the youth of the land. They would sacrifice anything for freedom, etc.”

And then they say :

“After our release, when we first joined the Indian National Congress and the non-co-operation movement we found mixing freely with the young men of the country, amongst others, a certain person whose name we are ready to disclose in case of a proper and impartial inquiry into these most serious affairs. We have knowledge that while previously locked up in jail as State prisoner this man along with some others of his ilk was in touch with and helping the Secret Service even from jail. While the non-violent non-co-operation movement was at its full swing he was trying to incite young men to form a party of violence. He tried to persuade even some of us to take up the leadership of such a party as against the party of non-violent non-co-operation which according to his preachings was doing immense harm to the country. Failing to instigate persons who knew something of men and things, he began to characterise those persons as having turned moderate and we know that with an amount of oratory and supported and financed by dark powers from behind he succeeded

in getting together a batch of young men. We have very strong reasons to believe that whatever political violence has been committed in Bengal after the non-co-operation movement is the activity of this group consisting of the innocent dupes of this *agent provocateur* and was incited and engineered by him."

They go on to say :

"This *agent provocateur* has been systematically screened from the public eye and unobserved this creature of the secret service has been made to do whatever his masters have been wanting of him. His name once looked out in an identification parade in connection with the Alipore conspiracy case and it came out in the court that his name had been penned through and that of an accused put instead. For obvious reasons this point was not pressed by the counsel for the defence."

Here is a fact mentioned in a memorial which has been presented to this Government to be transmitted to His Majesty's Government, Secretary of State for India. The allegation is made there. The memorialists offer to give the name of the person. They indicate in their memorial enough to enable my friend the Home Member to spot the man. Who is this man, I ask him? What is he doing? Have these statements been tested? Have those facts been investigated? If not, what force is there in his righteous indignation at the mere mention of the name of *agent provocateur*? I may mention, sir, that the general belief in the country is that there are such agents abroad. Of course, it is impossible for men except those situated as these memorialists were to know much of their doings. But here are materials enough for the Government to proceed to inquire and to let us know the truth. If my friend the Home Member is not prepared to give us any information here and now, let him take as much time as he likes.

I have dealt with all the reasons so far as I have been able to follow my learned friend upon which he has stated that the Ordinance is a necessity.

Another argument is used. My friend paid a very high eulogy to His Excellency the Governor-General's talents as a lawyer and as a statesman; he relied on the fact that His Excellency had been



Lord Chief Justice of England. That his pronouncements as the Lord Chief Justice of England are entitled to the highest respect no one denies. But to say that when the ex-Lord Chief Justice of England tells you that he has examined a certain case you must take it without going further into the matter is a very different thing and does not necessarily follow. I am perfectly certain that His Lordship himself, if we can imagine him taking his seat on the bench once more and having his own findings about the Bengal Ordinance placed before him, will be the very first to throw them out as wholly inadmissible and unreliable. The most serious pronouncements made from the Bench, if they are not of a judicial nature, and pertain to what are called extra-judicial matters, have absolutely no value with anybody whatever the authority on the Bench which makes such pronouncements.

You talk of His Excellency the Governor-General and the ex-Lord Chief Justice of England. I say that even if angels from heaven were to go into these police informers' reports and to base their opinions and conclusions upon them, those opinions and conclusions would be wholly unreliable because of the taint in the material, and its defective nature, and not because the materials have not been well examined. I do not think that anybody has said that whatever materials were placed by the police before the Government were not thoroughly examined and scrutinised; but my point is that that material is not reliable enough to form the basis of any investigation or the basis of any conclusion.

Sir, some one in this Chamber the other day remarked that a judge could not be a good administrator. I do not agree with him. I say that a judge-administrator may be a very good administrator, but when you put forward his opinions as an administrator and ask us to attach the same value to them as if they had been given by the judge, I say we cannot do so. A judge, the moment he becomes an administrator, is like a boat cut off from its moorings. He has to form his judgment not upon the material which he has been using as a judge for his judicial inferences and conclusions. That material must be legally admissible evidence. The tests which have been provided by the law must be applied to it and it must stand those tests. But an administrator does nothing of the kind. You may rely upon his Lordship's experience. I have no reason to object to that—nor am I prepared to say anything about the correctness or incorrectness

of the conclusions come to on the materials available. What I say is that the material itself upon which conclusions have been based was wholly unreliable.

The next point that was discussed was the fact that this House was not consulted before the Ordinance was promulgated. This House was not sitting at the time and I am not willing to attribute any motives to the Government on the score of the Ordinance being promulgated soon after the September session was over. But what I say is this, that His Excellency the Governor-General having passed and promulgated this Ordinance it is wrong to say that he and he alone is responsible for keeping it in force. I do not accede to that proposition. While I admit the right and the initial responsibility of His Excellency the Governor-General in issuing and promulgating this Ordinance, I deny that His Excellency is responsible for keeping it in force. On the contrary, I maintain that it is this House and this House alone which has the right and the responsibility in itself, undivided and unshared by anybody else. The moment this House came into session it was its right—it was not only its right, but under section 72 it was its duty to see whether this Ordinance was to continue a day longer or not. It was with this object that I submitted a Bill which proposed to supersede and repeal the Ordinance, but I was informed a few days ago that His Excellency under the circumstances was unable to give me his sanction to introduce the Bill. I may here refer to section 72 for a minute. It runs :

“The Governor-General may, in cases of emergency, make and promulgate Ordinances for the peace and good government of British India or any part thereof, and any Ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Indian Legislature, but the power of making Ordinances under this section is subject to the like restrictions as the power of the Indian Legislature to make laws; and any Ordinance made under this section is subject to the like disallowance as an Act passed by the Indian Legislature and may be controlled or superseded by any such Act.”

that is to say, by such Act of the Legislature.

I contend that this Legislature has a constitutional right not



subject to disallowance by His Excellency the Governor-General of superseding, confirming or repealing this Ordinance and it is this right of the House which I sought to exercise by the introduction of my Bill which I have not been allowed to do. It is, therefore, incorrect to say that the responsibility is solely that of His Excellency.

My submission to the House is that, in the first place, there was absolutely no justification for His Excellency to exercise the right which he undoubtedly possesses under section 72 to promulgate the Ordinance. In the second place, I say that His Excellency and the Government have no say in the matter now. It is this House and this House alone which can determine whether that Ordinance shall go on or shall at once be withdrawn.

I know that there is a provision for His Excellency. I can conceive occasions when it would be necessary for His Excellency to withhold sanction. That section must be read with section 72, and when section 72 gives this Legislature an inherent right and another section says that it is subject to sanction there must be some meaning in that. We must reconcile the two sections and the only way in which they can be reconciled is that unless there is something very, very exceptional—suppose for instance there was a general rebellion to-day and the Viceroy in those circumstances exercised his discretion and said, “No, this Bill shall not be introduced in the House,” I could understand it. But what are the special circumstances in this case? There must be something very special under which the Governor-General could exercise the discretion vested in him about sanctioning or withholding sanction to a Bill of this character. We are living in peaceful times, there is no rebellion afoot, we have our usual life going on, we have our big dinners and entertainments and we are going to have a Baby Show next week.

Lastly, my Honourable friend, the Home Member, told us “We are not devoid of political foresight”. Well, sir, I am very sorry to say that that commodity has never been known to be available in the bureaucratic shop. Take the recent events. Take the two big turns that the political situation has taken in quite recent times in this country and see with what political foresight. . .

*Mr. President*<sup>10</sup>: I cannot allow the Honourable Member to go into that. I have allowed him very great latitude indeed. I must ask him to bring his remarks to a close.

<sup>10</sup> Sir Frederick Whyte.

*Pandit Motilal Nehru:* I am very sorry to have exceeded my time limit. There is one more point I wish to make with your permission and it is this. Whatever has been done under the Ordinance itself in the way of arresting these people and keeping them in custody could have been done under the ordinary law. There is nothing including the great round-up of the 25th of October<sup>11</sup> last just which could not be done under the ordinary law. I wish to know from the Honourable the Home Member if there is anything that has been done which could not be done under the ordinary law. That fact is that one kind of terrorism has been set up against another kind of terrorism. We were told by His Excellency and rightly told that no political party can continue to live with terror for a friend. Now, sir, there is no doubt that terrorist organisations exist in this country but the greatest and the most powerful of these organisations is the Government of India and their terrorist agencies in the provinces. It was very rightly observed by His Excellency that the parasite kills the host. I say, sir, that that observation applies to terrorism both of political parties and of the Government and the parasite will kill the host in either case. Neither can continue to have terror for a friend.

I regret I have exceeded my time, and I thank you, sir, for allowing me great latitude. I appeal to all Members of the House, I mean all non-official Members, to vote unanimously in favour of this Resolution.

[The motion was adopted]

<sup>11</sup> See p. 196, *supra*.



# Military College for India

*Speaking on the Resolution, moved by Mr. B. Venkataswami Aiyar, re: establishment of a military college in India on 19th February, 1925.*

Sir, the Resolution<sup>1</sup> before the House is one on which there can be no two opinions so far as the Indian public is concerned. The whole of India—and I am speaking of Indian India—is solidly in favour of the proposition. The fact is there and no amount of reasoning can shut our eyes to it.

I have heard to-day a very strong case attempted to be made out by my friend the Honourable Mr. Burdon.<sup>2</sup> I have heard also the very warm appeal made by my friend Pandit Madan Mohan Malaviya. I have listened to the cold reasoning of my friend Sir Sivaswami Aiyar and I have also heard the very powerful indictment of the Government of India by my friend Mr. Jinnah. If, sir, everyone of us, the Indian element in this House, were to be given a chance to say a few words, I have not the least doubt in my mind that they will all echo the same feeling. Now, as for the speech of Colonel Crawford I was wondering what was the case that my gallant friend was trying to make out. He was probably fighting a shadow. He has no doubt fought many substantial enemies in the past, but to-day I am bound to say that it was nothing but a shadow that he was fighting. He was forgetting that we are not asking that the Indian Army should be officered by Indians all at once. He was explaining that what Indians want is training and training of a special character which befits the British officer to lead an army. What is it that we are asking for? We are asking just for a training ground, just for an opportunity to bring up our young men in the same manner as English officers are brought up. And how are we to get it?

<sup>1</sup> “This Assembly recommends to the Governor-General in Council that early steps be taken for starting a well equipped Military College in a suitable locality to train Indians for the commissioned ranks in the Indian Army Service and the necessary amount be sanctioned to start the preliminary work.”

—L.A.D., Vol. V(1925), Pt. II, p. 1220.

<sup>2</sup> Army Secretary.

—For text of speech, *ibid.*, pp. 1225-31.

Sir, only the other day as to one proposition which was before the House, namely, the establishment of a Supreme Court, I committed myself to the opinion that the time for that will be when we have responsible Government.<sup>3</sup> But there are questions and questions. This is a matter in which we cannot wait for a single moment. We are unfit to defend our country, and, therefore, there is no responsible government. Why are we unfit to defend our country? Because there is no responsible government. It is a vicious circle. Unless the two things go on together and unless we begin to qualify ourselves to defend our country at the earliest possible opportunity, the argument will hold good for ages to come. Not that it is maintained by anybody that the time has not come for us to prepare to defend our country. It is only the method, it is only the procedure, it is only the manner in which all the difference lies. Now, whatever may be said by the Government or their apologists, the fact cannot be burked that it is the Government and the Government alone which is to blame for the present state of things. Why are we not ready? Because you come in our way. You did not permit us to be ready. You disarmed us and then you did not afford sufficient opportunity for the young men of the country to train themselves for the army.

Now that it is past high time it is said that there are difficulties in the way. But who has created those difficulties? I have not the least hesitation in saying that they are all of your own making. If you had only begun in time, to-day it would have been possible, after 150 years, to man all the officers of the Indian army by Indians.

*A Voice:* Then where would the British Empire go?

*Pandit Motilal Nehru:* That is just the difficulty. But surely there are friends like my Honourable friend Pandit Madan Mohan Malaviya, who say that we will be proud to continue the present connection with England for all time to come. I am not of that opinion. Not that I am against keeping up the connection between England and India, but that it should be on very different terms to what obtains at present. There has been a suggestion made by my friend Mr. Jinnah<sup>4</sup> and a formal

<sup>3</sup> Resolution re: establishment of a Supreme Court in India was moved by Sir Hari Singh Gour in the Legislative Assembly on 17th February, 1925.

—For text of Pandit Motilal Nehru's speech, see L.A.D., op. cit., pp. 1171-2.

<sup>4</sup> Mr. Jinnah said that if we were to have an Indian Sandhurst "it must by



amendment moved by my friend Mr. Rangachariar.<sup>5</sup>

*Mr. M. A. Jinnah:* May I rise to a point of explanation, sir. My suggestion is totally different from. . .

*Pandit Motilal Nehru:* That is what I was going to explain. My friend Mr. Jinnah need not anticipate me. I was just going to say the very thing he stood up to explain. There is a vast difference between the suggestion of Mr. Jinnah and the formal amendment which has been proposed by my friend Mr. Rangachariar and I may at once say that I thoroughly agree with Mr. Jinnah.

Resolutions, sir, are moved in this House. They are either carried or defeated. Even if carried, they occupy no higher place than those which have been defeated because the Government do not usually act upon them. But in this case a formal Resolution has actually been accepted by the Government and yet we find that no definite steps have been taken up to this day.<sup>6</sup> On the contrary, what has happened is that the acceptance of that Resolution has been con-

implication be understood that we must have a definite scheme, a scheme for the purpose of reorganising the army, its constitution, its future composition, a scheme which will be a practical workable scheme which will Indianise the army in the course of a reasonable period."

While speaking on the Resolution, Mr. Jinnah further suggested:

"Have a proper body constituted that will inquire into this question fully and thoroughly and let us have an honest and straight-forward scheme which will assure the people of India that you honestly desire that Indians should take up the defence of their own country within a reasonable time."

—*Ibid.*, pp. 1246 and 1248.

<sup>5</sup> The following was the amendment moved by Diwan Bahadur T. Rangachariar:

"That for the words in the original Resolution 'and the necessary amount be sanctioned to start the preliminary work' the following be substituted: 'and that for that purpose a Committee including non-official Indians be immediately appointed for investigating and reporting upon a comprehensive scheme including the financial commitments involved therein'."

<sup>6</sup> There were four Resolutions on an identical subject, as was under discussion, which had been passed by the Legislative Assembly on 28th March, 1921. Mr. E. Burdon, the Army Secretary, while speaking on the Resolution of Sir P. S. Sivaswamy Aiyer as regards the implementation of the recommendations contained in those Resolutions, stated as under on 4th July, 1923:

"The principal recommendations which remain unfulfilled are as follows :

- (1) The proposal that Indians should be admitted to the commissioned ranks of the Royal Artillery, Royal Engineers and the Royal Air Force.

veniently forgotten as has been shown by Mr. Jinnah.<sup>7</sup> But what I would submit to the House is this, that the mere carrying of this Resolution will not help to carry us far. As far as I have been able to understand my friend Mr. Burdon, I feel that he at least has an honest and sincere desire to see that definite steps are taken in order to make it a practical proposition and not merely a Resolution which would be passed by this House and then forgotten.

I think, if I have been able to understand my friend Mr. Jinnah correctly, his view was not merely that this Resolution should be adopted by this House and accepted by the Government of India, but that the Government should at once proceed to act upon it by taking steps to formulate a scheme with the assistance of some Members of this House, and of expert advice, and I would add, by a visit to the various training colleges, Sandhurst and others, if necessary. If the Government will accede to that suggestion and thus put a practical shape to the proposition, I think it would be far better than merely carrying this proposition, by a majority of our votes. I do hope, sir, that His Excellency the Commander-in-Chief will see his way or at least allow this House to appoint a committee which, in collaboration with experts, would draw up a scheme of what is possible in the present circumstances in order to make a beginning.

For the rest, I submit, sir, that the argument on the Government side comes to this: because you get far better training in Sandhurst, therefore, it is not advisable to have it here on the ground of expense and other things. If that argument were to hold good and be carried to its logical end the result would be that we would have to shut up all our colleges and universities because undoubtedly the training now given in the English colleges and universities is far superior to what we get here. But it would be absurd to suggest such a thing. We want to make a beginning in our country under the circumstances in which we live. My friend Sir Sivaswamy Aiyer said that we can

(2) The proposal to increase to 25 per cent of the annual total the number of commissions granted to Indians.

(3) The proposal to establish an Indian Sandhurst.

Mr. Burdon further stated that "these Resolutions were adopted with the concurrence of the Government of India, and I may say that the proposals were duly laid before His Majesty's Government. But they have not been accepted."

—L.A.D., Vol. III (1923), Pt. VI, pp. 4280-81.

<sup>7</sup> *Ibid.*



have everything here except the atmosphere. I say we can also have the proper atmosphere for a military career. The example of Japan was given. What has Japan done? My friend Sir Hari Singh Gour put a very pertinent question to Colonel Crawford when he was talking of the indispensability of an English training. He asked "what about Japan," but the gallant Colonel did not give a reply. Of course, they did not all receive their training at Sandhurst, nor did they qualify themselves anywhere else in England. There are many nations in the world whose armies are officered by their own Government; they evolve their own schemes; they import persons with expert knowledge and do all that is needed. We are helpless and, therefore, we cannot get on unless this Resolution meets with the acceptance of the Government of India and His Excellency the Commander-in-Chief takes the interest for which my friend Mr. Rangachariar has appealed to him.

I, therefore, would suggest, sir, that the Government will be pleased and His Excellency the Commander-in-Chief will be good enough to see eye to eye with this House and the whole country, and give due weight to public opinion on this very essential and vital question. That can only be done by facilitating the training of Indians for a military career in their own country. It may be that under exceptional circumstances and for certain high posts a special training in England may be considered necessary. To that I do not think there can be any objection, but a beginning must be made in the country itself. We must have our young men to look up to an institution where they can look forward to a brilliant military career.

I need not take up the time of the House as to the argument of my Honourable friend, Colonel Crawford, about martial races not being educated enough and non-martial races being better educated. Sir, the distinction between martial and non-martial races is fast disappearing and as soon as there is an opening in this country for a military career you will find that even the non-martial races flock to the college in such numbers that you will be surprised. They will be found in every way to be fit for a military career.

*Colonel J. D. Crawford:* But will they stay?

*Pandit Motilal Nehru:* What reason have you for saying they will not stay? Who are after all the martial races? It is surely not the caste system by which we are to be guided. It is not that a

Brahmin is only a priest. You have got your 1st Brahmans. You have got the Baswara Brahmans.

*Mr. K. C. Neogy:* Even the Bengali Regiment.

*Pandit Motilal Nehru:* Yes, even the Bengali regiment. All the talk about martial and non-martial races is ancient history that will not hold water now.

*Nawab Sir Sahibzada Abdul Quaiyum:* What Colonel Crawford said was what prevents those classes from going to Sandhurst.

*Pandit Motilal Nehru:* He did not say that. What I understand Colonel Crawford to mean was that general education was lacking in the martial classes and officers must have groundwork of general education before they can be given expert and technical education in military affairs. But I say that is not the case. I say that among those who have a grounding of general education you will find martial people and martial races; and that there does not exist any sharp line of cleavage between non-martial and martial races in India.

We may spend the whole of to-day and to-morrow also if we like on this Resolution. There will be any amount of good argument forthcoming from the side of the Indian section of this House and there will be any amount of excuses on the other side. The question has been discussed threadbare in the country. As I have said, you cannot convince us that there are such difficulties in your way that you cannot overcome them. We claim that we have succeeded in convincing you that those difficulties are nothing compared to the advantages which are bound to accrue not only to India but to England as well.

For these reasons, sir, I support this Resolution and I again appeal to His Excellency the Commander-in-Chief to accept it in principle, and not only to accept it in principle but accompany his acceptance by something definite and something substantial in the way of actually framing a scheme which would lead to the establishment of a military college in India in the near future.

[The following was the Resolution as finally adopted :

“This Assembly recommends to the Governor-General in Council that a Committee including Indian Members of the Legislature be immediately appointed to investigate and report :

- (a) What steps should be taken to establish a military college in India to train Indian officers for the commissioned ranks of the Indian Army;



- (b) whether, when a military college is established in India, it should supersede or be supplemented by Sandhurst and Woolwich so far as the training of Indian officers is concerned; and
- (c) to advise at what rate Indianisation of the Army shall be accelerated for the purpose of attracting educated Indians to a military career.”]

—L.A.D., 1925, *op. cit.*, p. 1273.

## Obnoxious Tax

*Speaking on his Cut-Motion\* relating to the Demands for Grant under the head "Customs", on 6th March, 1925.*

The motion that stands to my name is:

"That the Demand under the head 'Customs' be reduced by Rs. 79,300."

I have in the first place to explain how I arrive at that figure. At page 5 under the head 'Cotton Excise Establishment' we have a total of Rs. 77,000 for Bombay. Then at page 8 we have similarly the cotton excise establishment for the Central Provinces totalling Rs. 2,300. The amount by which I propose that this Demand should be cut is, therefore, the total of these two figures, namely, Rs. 79,300. I am afraid it was my Honourable friend Mr. Kasturbhai Lalbhai's parochial patriotism which confined his attention to Bombay.<sup>1</sup> I am interested in the total abolition of this tax and have, therefore, taken whatever establishment exists in any province for collecting this tax.

Now, sir, so far as the merits of the motion are concerned, I am sure that this House, at least the non-official element in it, does not need to be convinced of the imperative necessity of adopting this motion. The reason why I sent up this motion and why I am now standing to support my friend Mr. Kasturbhai Lalbhai,<sup>2</sup>

\* The motion before the House was :

"That a sum not exceeding Rs. 71,66,000 be granted to the Governor-General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1926, in respect of 'Customs'."

—L.A.D., Vol. V (1925), Pt. II, p. 2042.

<sup>1</sup> Referring to the losses of the Bombay mills, Mr. Kasturbhai Lalbhai said that "it is a patent fact proved before the Chief Justice of Bombay that the losses of the Bombay mills alone for the year 1923 amounted to 117 lakhs of rupees, and yet they are paying over a crore in excise duties."

—*Ibid.*, p. 2046.

<sup>2</sup> Mr. Kasturbhai Lalbhai was in favour of the complete abolition of the cotton



is that I desire to express my admiration of the high and mighty attitude adopted on the question by the Honourable the Finance Member.

Here is an iniquitous tax which has disgraced this civilized administration for nearly 30 years. It is a tax on production of one of the most essential necessities of life. But in spite of the deep and continued resentment of the people, in spite of the ceaseless war waged against it by the Indian National Congress in the Press and on the platform, in spite of the fact that Prime Ministers, Secretaries of State, Governors-General and even Finance Members have admitted the nefarious character of this impost,<sup>3</sup> in spite of the fact,

excise duty "because politically it is a crime, economically it is an offence and administratively it is an abuse." These views of Mr. Kasturbhai Lalbhai had the wholehearted support of Pandit Motilal Nehru.

—*Ibid.*, p. 2047.

<sup>3</sup> As stated by Pandit Motilal Nehru, the cotton excise duty had the popular opposition, including the British ruling class, but still the duty was being revived every year. Sir Austen Chamberlain said in this connection to a Lancashire deputation:

"You are not asking that you shall be preserved from a special disability imposed on you alone of British traders competing in India. You are asking that you shall have preserved to you a special position of privilege which has not been accorded to any other British trade. If to-morrow I gave the order that a countervailing duty be imposed, not only no Indian in the Legislative Council would vote for such measure, or abstain from voting against it, but no British official would vote for that measure, except as the result of instructions, because it was his duty and he was left with no choice."

Even Lord Hardinge, the then Viceroy of India, publicly pledged himself to the necessity of the abolition of the cotton duties. He stated:

"The excise duty should for the present remain at its actual figure and an assurance given that it would be abolished as soon as financial considerations permit."

In the course of the discussion on the Finance Bill in 1922 Sir Malcolm (later Lord) Hailey stated in the Legislative Assembly:

"Both Lord Hardinge and Sir William Meyer gave expression to the sentiment which I still feel and my colleagues, I am sure, still feel that the cotton excise duty in itself *qua* countervailing duty was undesirable and that it ought ultimately to be removed."

Even the *Times* (London) on the 5th March 1917 wrote:

"The Indian cotton excise duty has always been politically, economically, and, above all, morally indefensible... It has made a grave breach in the moral basis of the British control of India. It was deeply resented from the outset and has remained an open sore... We have repeatedly sought to warn both

sir, that this House very recently passed a Resolution<sup>4</sup> condemning it, we find the Honourable the Finance Member absolutely unmoved. I congratulate him on this most wonderful feat. It needed all the courage that he could command to introduce a Budget which has all the appearance of a prosperity Budget without offering the least explanation why this obnoxious tax was retained. In his long speech introducing the Budget<sup>5</sup> not a word was said upon that point. Then followed the general discussion on the Budget. Speaker after speaker rose in his place and condemned the tax. But all that had no effect upon the Honourable the Finance Member. He rose and made a speech in reply but did not meet the arguments advanced. Not that he did not attempt to wriggle out of many other uncomfortable positions in which he found himself; for instance, he referred to the thorny question of exchange and currency, he referred to the political loan to Persia, or was it a loan to the Anglo-Persian Oil Company to enable them to declare big dividends? My Honourable friend says, "No." Had it not that effect indirectly? There is a belated answer, "No." Well, I shall leave it at that.

The Honourable Member also attempted to answer certain serious charges made by my Honourable friend, Sir Purshotamdas Thakurdas, about hiding away crores of surpluses in the darkest recesses of his Budget, and when Sir Purshotamdas Thakurdas and some other Honourable Members were ungenerous enough to interrupt him by questions, the Honourable Finance Member suddenly discovered the value of time, although, sir, you will remember that you were pleased not to include him in the time limit imposed upon this House. Whenever an inconvenient question was put under those heads, an answer was attempted and when it failed at a

Lancashire and past Governments that India, where public opinion is now awake and alert, would not for ever tolerate a tariff dictated by English consideration."

<sup>4</sup> The Legislative Assembly passed the following Resolution on the subject on 24th September, 1924:

"That this Assembly recommends to the Governor-General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of Indian Members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian Cotton Mill Industry at an early date."

—L.A.D. Vol. IV (1924), Pt. VI, p. 4083.

<sup>5</sup> Budget introduced by the Finance Member on 28th February 1925.

—For text of speech, *See* L.A.D., *op. cit.*, pp. 1806-39.



certain stage, it was given up to be dealt with on some future occasion. But the excise duty never came in for a single observation in his reply. Well, it was just a passing reference. No attempt was made to justify the tax. At least, as far as I was able to follow my Honourable friend's speech I saw no justification of the cotton excise in it nor even a serious attempt to justify it.

Now, sir, it is unnecessary for me to go into the history of the question. It has been discussed threadbare on the floor of this House and elsewhere. I will not detain the House by quoting the authorities I have already referred to, namely, the Prime Ministers, Secretaries of State, and so on. But I shall act on the principle that one gentleman in office is better than ten out of office. In saying so I am merely putting a common saying in Parliamentary language. I will, therefore, deal with such explanation as has been given on a former occasion<sup>6</sup> by both the Honourable the Finance Member and the Honourable Member for Commerce. What is that explanation? I shall first refer to the speech of the Honourable Sir Charles Innes in which he says—that was in the September Session at Simla:

“I say that there is no Britisher in India who does not regret that this tax was ever put on, and I say with confidence that that is the feeling of everyone of us on this side of the House. Also, sir, I should like to say that we on this side of the House recognise that there is a natural desire on the part of Indians that the cotton excise duty ought to disappear from the face of the Statute-book. But, sir, I must safeguard myself. I do not wish to be misunderstood. I regret very much that this tax was ever put on because I believe that the tax has done us great political harm. But I am not prepared to go further and say that I believe that this tax has seriously harmed the Bombay cotton industry.”

Now, sir, that last observation is a matter which I leave to be settled between the Honourable Sir Charles Innes and my friend, Mr. Kasturbhai Lalbhai.<sup>7</sup> I am not at all concerned with what has harmed the industry or what has benefited it. All that I am concerned with is that this obnoxious tax, which is a disgrace to the adminis-

<sup>6</sup> See footnote 4, *supra*.

<sup>7</sup> For Kasturbhai Lalbhai's observation on the point referred to by Pandit Motilal Nehru, see footnote 1, *supra*.

tration and a humiliation to the people of India, must go at any cost whatever happens. Then, we have the Honourable Sir Basil Blackett at the same Session. He says:

“It was, I think, a tax bad in its origin, bad in its incidence when first imposed, and, when the Taxation Committee comes to inquire into it now, I think it will very likely say that it is a tax which even now is not altogether desirable in its operation.”

Then, he proceeds:

“I should not be averse to being the Finance Member in whose period this historic wrong was righted.”

Now, that being so, what was it that prevented my Honourable friend from righting that historic wrong? The answer is, want of funds. He says that there is no hope this year, and goes on:

“There is no hope next year, or the year after next, or the year after that, that we shall be in a position both to get rid of the cotton excise duty and to give up the provincial contributions. . . . We are not in a position to-day to consider on its merits whether it is the first tax that in the interests of the people of India ought to be got rid of, or whether it is desirable to get rid of it and put another tax in its place. We are not in possession of the facts, nor would it be in order to discuss that sort of question in full here. We are asked, therefore, on political considerations to tie ourselves to a point of view which, it is impossible for us to discuss fully and which I do urge this House to consider, may not be in the interests of the people of India as a whole.”

So that it comes to this, that both the Honourable the Finance Member and the Honourable the Member for Commerce expressed very noble sentiments and entirely agreed with all that had been said by their predecessors as well as other high functionaries and the public, but they said there was a difficulty which could not be overcome, and that was that they did not know which of the two things, namely, provincial contributions or this tax, must go first.

Now, sir, I do not for a moment mean to be understood to say



that I desire the omission of the reductions which have already been made in provincial contributions; on the contrary, I say that these contributions too must wholly disappear at the earliest possible moment. But it does not follow that because there are two wrongs, therefore, we must partially right one and leave the other entirely alone.

It comes to this, that the tax is a bad one, it is bad in its inception, bad in application, bad in incidence, bad altogether. But we cannot remove it because we are short of funds. May I, sir, suggest a revival of the slave trade and making it a commercial concern, just like the Railways? That would bring much more money than this tax can. What have we got to do with the history of the shortage of funds in the past? As I have said on the present occasion that question does not arise. We have the hidden crores. We do not know where they are.

*The Honourable Sir Basil Blackett:* Nor do I.

*Pandit Motilal Nehru:* My friend does not know and I can understand the reason why. It is because he is so constantly in the habits of hiding it away that he has forgotten where he put it on each occasion. The whole point is whether this House will submit to be flouted in the manner it has been, whether this House will be a party to a continuance of this policy of the Government which sets public opinion at naught and treats with contempt the considered opinions and Resolutions of this House.

I stand here, sir, in order to press the total abolition of the excise duty on no other consideration than this. I ask the House, at least the non-official Members, each and every one of them, to dismiss every other consideration from their minds and to vote for this motion on the sole ground I have taken, namely, the highly objectionable nature of this tax and connected with it the treatment which this House and public opinion has received at the hands of the Government. I would ask even those who voted against on the last Cotton Excise Resolution<sup>8</sup> to vote in favour of this motion. The reason why I ask them to do so is that, however much any Honourable Member may be against any particular proposition which is put before the House, when that proposition is once passed by the House, it is as much a point of honour, a point of self-respect, for him who voted against it as for those who voted

<sup>8</sup> See footnote 4, *supra*.

for it to enforce the decision of the House. It is on that point that I rest my case to-day.

I may at once say that if my friend cannot find the crores that are lying about here and there, let him tax the incomes of those very mill-owners as much as he pleases and I can give him my promise that, if it is a reasonable tax, he will have the heartiest support of myself and my Party. Let him do anything which is reasonably called for under the circumstances to allow of the abolition of this duty and we shall be satisfied, but I would not for a moment let it be understood that I mean any alteration in the position which provinces have taken and have been taking for sometime past in the matter of their contributions to the Central Government. Nor do I mean to say that fresh taxation should be such as would kill the industry. My friend, Mr. Kasturbhai Lalbhai, has given rather a sad account of the prospects of the industry. I have no materials, sir, nor have I the necessary facts before me either to support or to contradict him, but if he is right then certainly no measure taken by the Government which will kill the industry will have any assistance from us. Within reasonable bounds tax the rich man as much as you can and we shall always be found standing by you. But when, the poor man is taxed or it becomes a question of the honour of the country, the honour of this House, you shall find no support from us.

[The following was the motion which was adopted on the 12th March, 1925:

“That the provision of Rs. 77,000 for the Cotton Excise Establishment be omitted”.]



## Censure Motion

*Speaking on his motion\*, that the Demands under the head "Executive Council" be omitted on, 14th March, 1925.*

I beg to move:

"That the Demand under the head 'Executive Council' be omitted."

One of the grounds on which my motion or rather leave to move the adjournment of the House was refused by you yesterday was that there will be an opportunity under this head as well as on another head to speak upon the very same subject.<sup>1</sup>

Now, sir, this motion really is a very comprehensive one and covers the whole field of the administration. In fact, sir, it is a motion of censure on the Government of India and as such it covers very large ground indeed. I shall, therefore, take the question which was the subject of my motion for adjournment<sup>2</sup> later on at its proper place and deal with this motion as a whole. As I have already said, this is a motion of censure on the Government of India, on the whole of that administration. I base my motion on the constitutional ground of refusal of supplies to a Government which has forfeited the confidence of the country. I know, sir, that there is a difference of opinion on the point among Nationalists. So far

\* The motion before the House was:

"That a sum not exceeding Rs. 62,000 be granted to the Governor-General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1926, in respect of the 'Executive Council'."

—L.A.D., Vol. V (1925), Pt. III, p. 2344.

<sup>1</sup> Pandit Motilal Nehru asked for leave to move the adjournment of the House to discuss a definite matter of urgent public importance, namely:

"The action of the Government in failing to provide an opportunity to the House to discuss the Reforms Inquiry Committee Report during the current session."

[The motion was disallowed]

—*Ibid.*, p. 2251.

<sup>2</sup> *Ibid.*

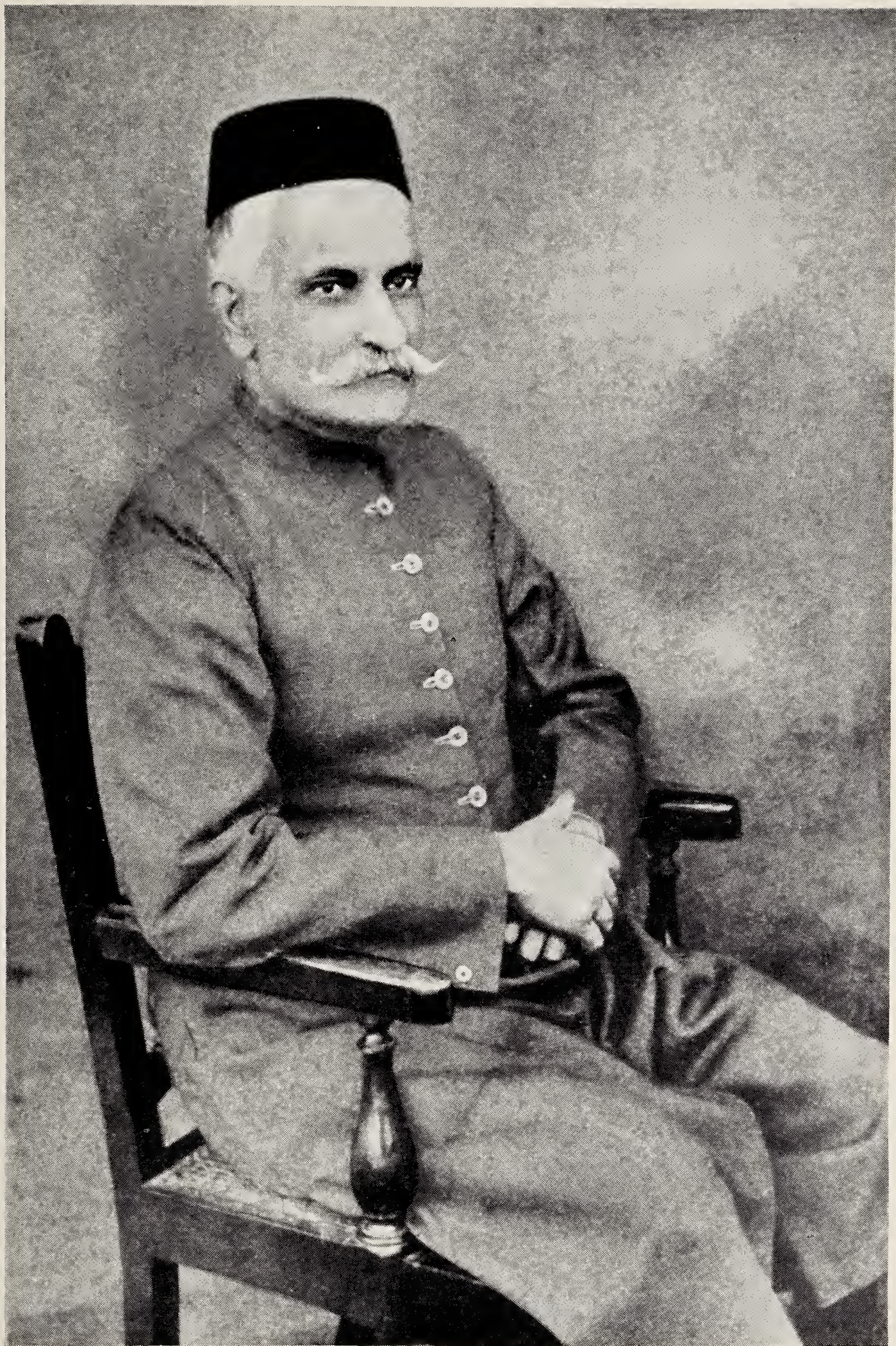
as we Swarajists are concerned, we are perfectly sure in our own minds that this is the ground upon which to put this motion. It may be that in a certain section of the House this ground may not be approved but the fact remains that whether you call it obstruction, whether you call it refusal of supplies or whether you call it merely a protest against the action of the Government, the country is thoroughly dissatisfied with the present administration and the motion in its nature and scope remains a motion of censure.

I can understand that we cannot, as we are constituted, give effect to this or for the matter of that to any other motion even if it is carried by the House,<sup>3</sup> but I wish to make it clear that the circumstances which have given rise to this motion are such that if we had the power to cut down all supplies we would have done so. If we cannot do it to-day it is not our fault. We cannot do it simply because you have disabled us from doing it. But the will is there to be enforced as soon as we possibly can and the Swaraj Party takes its stand upon this ground to declare and emphasise that will. It may be, sir, that it is merely at present a mental attitude on a question like this which is of the highest importance. It is not merely a protesting frame of mind: it goes much further. It goes to the extreme limit that is permissible under the constitution. Now, sir, that being so, I do not think that any purpose will be served by my going at any length into the different viewpoints from which this question is to be considered. Those who have the time and the inclination to do so may engage in the unprofitable task of weighing these different mental attitudes in golden scales if they like. So far as we are concerned, it is enough that the Government stands condemned to-day at the bar of public opinion. I wish, therefore, very briefly to lay certain facts before this House which will show that at this time of the day it is not possible for this House, if it is to do justice between the Government and the country, to refuse to pass this motion.

Now, sir, I shall briefly sketch the events which have happened under the present regime. The history of the present Government begins in the year 1921, but the history of the trouble goes back a couple of years earlier. In 1919 there were a very large number of

<sup>3</sup> Because even if the supplies were voted down, the Governor-General in Council could restore all the cuts by certification under Section 67A of the Government of India Act.





PANDIT MOTILAL NEHRU  
As President of the Amritsar Congress, 1919





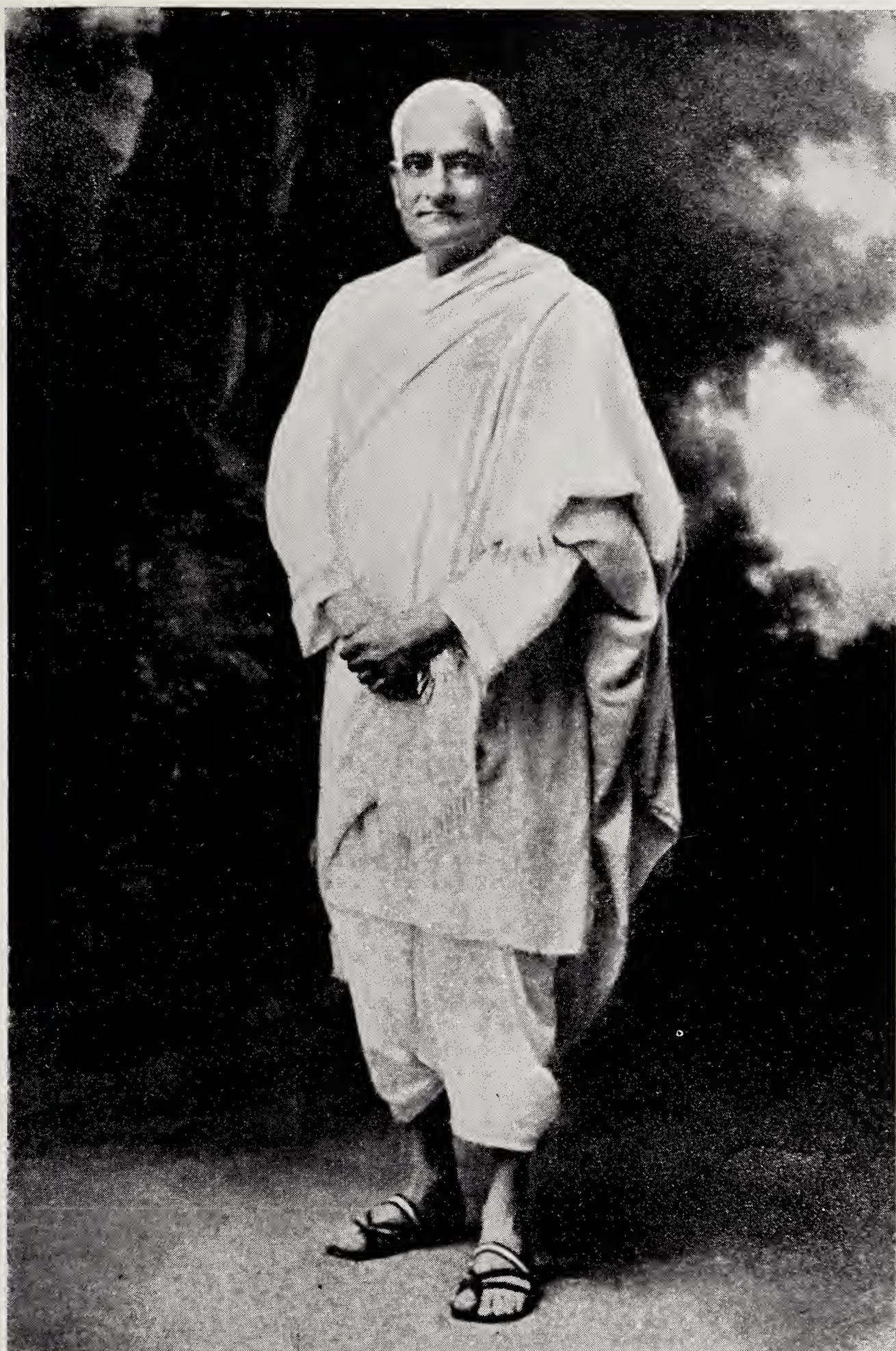
Sitting (Chairs)

AMRITSAR CONGRESS OF 1919

*From left:* First two not identified, Lokamanya Balgangadhar Tilak, Pandit Motilal Nehru, Swami Shradhanand, Mrs. Annie Besant, Pandit Madan Mohan Malaviya

Sitting (ground) Jawaharlal Nehru

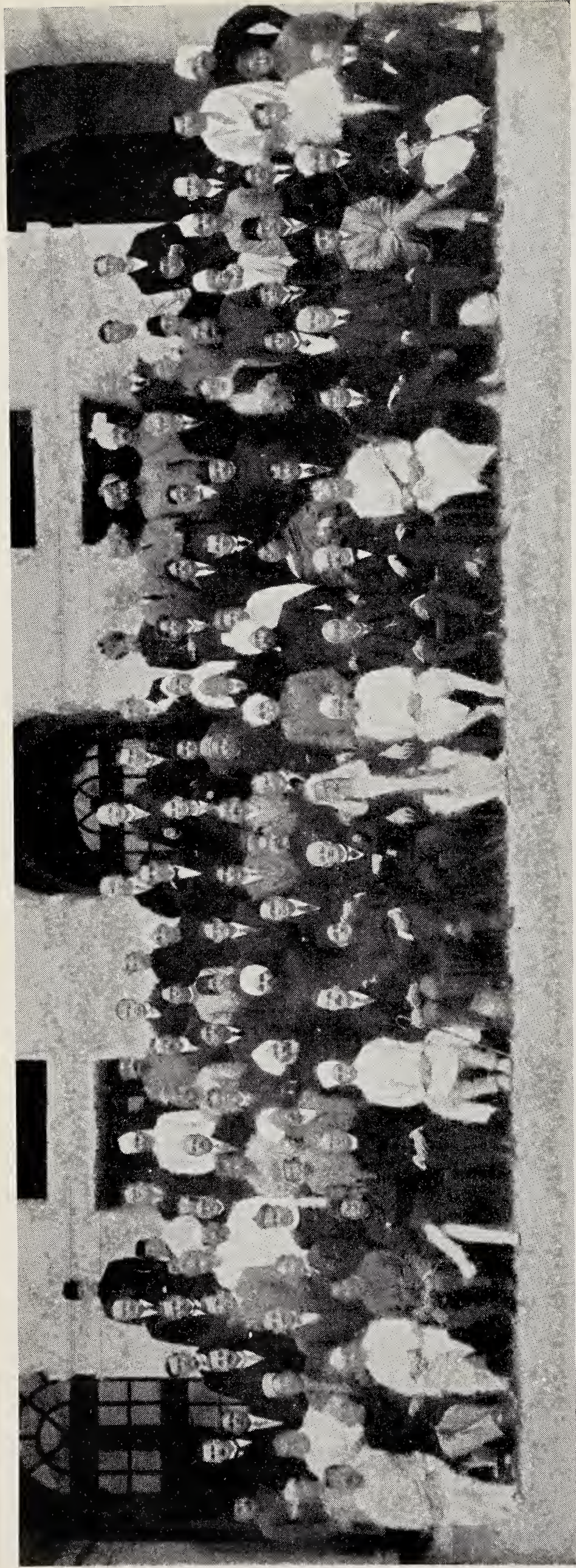




PANDIT MOTILAL NEHRU

As Non-co-operator and Leader of the Swaraj Party





MEMBERS OF THE LEGISLATIVE ASSEMBLY—MARCH 1927

1st ROW (L to R): Mr. N. C. Chunder; Mr. A. Rangaswami Iyengar; Mr. Jamnadas Mehta; Mr. K. C. Neogy; Lala Lajpat Rai, Rev. Dr. E. M. Macphail; Pandit Madan Mohan Malaviya; Sir Basil Blackett; Maulvi Mohammed Yakub; Sir Alexander Muddiman; Mr. V. J. Patel; Pandit Motilal Nehru; Mr. Harchandrai Vishindas; Sir Charles Innes; Mr. Srinivasa Iengar; Sir Bhupendra Nath Mitra; Sir Darcy Lindsay; Mr. M. R. Jayakar; Nawab Sir Sahibzada Abdul Qaiyum; Sir Purshotamdas Thakurdas.

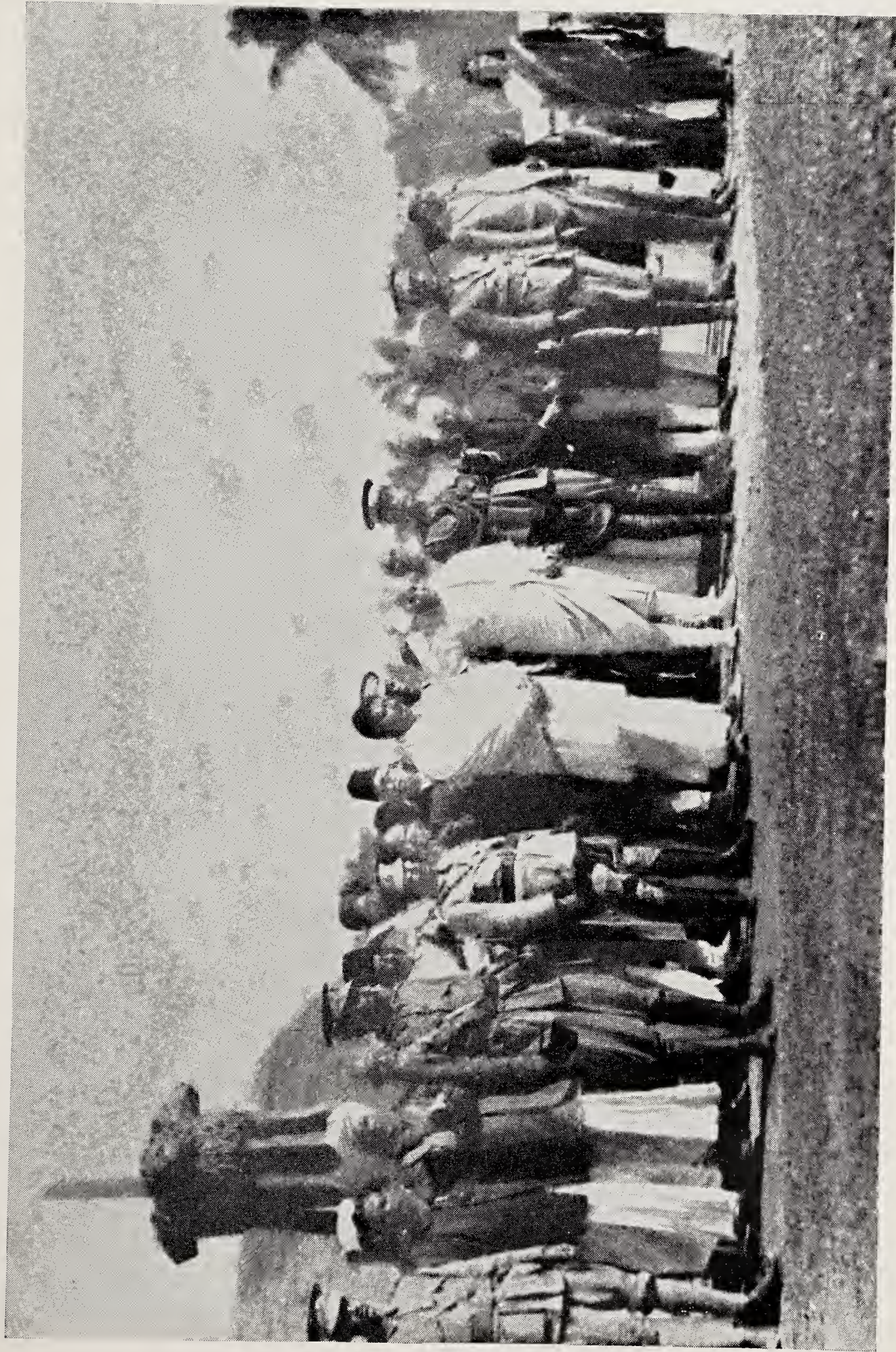
2nd ROW (L to R): U. Khin Maung; Raja Raghunandan Prasad Singh; Sir Victor Sassoon; K. B. Mian Abdul Aziz; Mr. N. M. Joshi; K. B. Sarfaraz Hussain Khan; Capt. Kabul Singh; S. B. Sardar Jowahir Singh; Sardar Kartar Singh; Sir Ganen Roy; K. B. Makhdum Rajan Bakhsh Shah; Lieut.-Col. H. A. J. Gidney; R. S. Harbilas Sarda; Sardar Gulab Singh; Sjt. D. K. Lahiri Chaudhury; Mr. Fazal Ibrahim Rahimtulla; Haji Chaudhri Mohamed Ismail Khan; Mr. Anwar-ul-Azim; Dr. A. Suhrawardy; Mr. A. H. Ghuznavi; Pandit Thakur Das Bhargava; Mr. T. C. Goswami; Mr. G. D. Birla.

3rd ROW (L to R): Mohammed Ismail Khan; Mr. H. C. Greenfield; Mr. M. Ruathnaswamy; Mr. Arthur Moor; Mr. Gavin-Jones; Mr. T. A. K. Shervani; Pandit Nilakantha Dass R. B. Tarit Bhushan Roy; Syed Abul Hasan Natiq; Maulvi Abdul Matin Chaudhri; Mr. A. Ayyangar; Mr. B. Das; Mr. S. N. Haji; Mr. Gaya Prasad Singh; Mr. R. B. Gopala-swami Ayyangar; Mr. M. S. Aney; Mr. P. B. Haigh; Mr. N. C. Kelkar; Nawabzada Ashrafuddin Ahmed; Mr. Siddheshwar Prasad Sinha; Babu Ram Narayan Singh Babu Narayan Prasad Singh; Mr. L. Graham; Mr. Amar Nath Dutt, Kumar Rananjaya Singh.

4th ROW (L to R): Mr. J. T. Donovan; Mr. E. F. Sykes; Maulvi Syed Murtuza Sahib; Sir Bomanji Dalal; Mr. J. W. Bhole; Kumar Ganganand Sinha; Mr. G. M. Young; Mr. Shan-mukham Chetty; Raja Ghazanfar Ali Khan; Col. J. D. Crawford; Mr. A. A. L. Parsons; Mr. D. V. Belvi; Mr. Sessa Iyengar; Lala Rang Behari Lal; Mr. Sarvotham Rao; Rao Bahadur M. C. Rajah; Sir George Paddison; Chaudhri Mukhtar Singh, Sir Zulfiyar Ali Khan; K. B. Nasruddin Ahmad.

5th ROW (L to R): Mr. J. Hezlett; Mr. C. S. Ranga Iyer; Mr. T. A. Chalmers; Maulana Mohamed Abdul Latif Farookhi; Raja Mohamed E'jaz Rasul Khan; Mr. M. Keane; Mr. B. C. Roy; Sir Walter Willson; Mr. F. W. Allison; Mr. W. S. Lamb; Mr. H. Tonkinson; Captain Suraj Singh (Marshal); Mr. E. B. Howell; Mr. W. W. Illahibuksh Bhuto; Mr. W. M. Ghulam Kadir Khan Dakhan; Mohammed Nawaz Khan; Mr. J. M. Dunnett; Mr. H. G. Cocke. 6th ROW: Mr. Yacoob C. Aril.





CALCUTTA CONGRESS 1928—Pand't Motilal Nehru is seen in the centre





MEMBERS OF THE LEGISLATIVE ASSEMBLY—MARCH 1929

1st ROW: Mr. K. V. Rangaswami Ayyangar, Mian Mohammad Shah Nawaz, Mr. J. M. Mehta, Sir James Simpson, The Hon'ble Sir Brojendra Mitter, Mr. G. D. Birla, The Hon'ble Sir George Schuster, Moulvi Muhammad Yaqub, The Hon'ble Mr. J. Crerar, The Hon'ble Mr. V. J. Patel, Pandit Motilal Nehru, The Hon'ble Sir B. N. Mitra, Seth Haji Abdulla Haroon. The Hon'ble Sir George Rainy, Sir Purshottamdas Thakurdas, Mr. N. C. Kelkar, Mr. A. Rangaswami Iyengar, Moulvi Muhammad Shafee Daoodi, Mr. R. K. Shanmukham Chetty, Mr. T. C. Goswami.

2nd ROW: Babu Amar Nath Dutt, Mr. D. K. Lahiri Chaudhury, Mr. S. C. Mitra, Pandit Nilakantha Dass, Babu Ramnarayan Singh, Mr. D. V. Belvi, Mr. Sarabhai Nemchand Haji, Kumar Ganganand Sinha, Babu Gayaprasad Singh, Sardar Kartar Singh, Mr. Mohamad Rafique, Rai Bahadur Shyam Narain Singh, Khan Bahadur Sarfaraz Hosain Khan, Sardar Bahadur Capt. Hira Singh Brar, Haji Chaudhry Mohammed Ismail Khan, Khan Bahadur Nawabzada Sayid Ashrafuddin Ahmad, Mr. Muhammad Yamin Khan, Khan Bahadur Abdullah Haji Kasim, Mr. M. S. Aney, Mr. K. Siddheswar Prasad Sinha, Mr. Vidya Sagar Pandya, Sir Victor Sassoon, Mr. F. W. Allison.

3rd ROW: Mr. S. C. Mukharji, Diwan Chamanlal, Mr. Nirmal C. Chunder, Mr. V. V. Jogiah, Mr. Narain Prasad Singh, Sardar Sir Bomanji Ardesahir Dalal, Pandit Thakurdas Bhargava, Mr. K. C. Roy, Khan Bahadur Makhdum Sayed Rajan Bakhsh Shah, Mr. Chaudhri Mukhtar Singh, Mr. S. Shesha Iyengar, Lt. Col. H. A. J. Gidney, Sardar Gulab Singh, Captain Suraj Singh Bahadur, Sayyed Hussain Shah, Lt. Sardar Mohammad Nawaz Khan, Khan Bahadur Mian Abdul Aziz, Mr. J. C. Chatterjee, Mr. Anwarul Azim, Mr. W. S. Lamb, Sardar Bahadur Sardar Jowahir Singh, Mr. T. A. Chalmers, Mr. Arthur Moore, Lala Hans Raj, Kumar Rananjaya Singh.

4th ROW: Mr. Abdul Latif Sahib Farookhi, Moulvi Murteza Sahib Bahadur, Mr. V. Panduranga Rao, Mr. S. Lall, Mr. M. Webb, Mr. H. L. Stevenson, Mr. William Alexander, Mr. T. Gavin Jones, Mr. E. F. Sykes, Col. J. D. Crawford, Mr. W. A. Cosgrave, Mr. H. A. Sams, Mr. G. S. Bajpai, Mr. Dwarka Prasad Misra, Mr. P. R. Rau, Mr. E. M. Bower, Mr. K. C. Neogy, Lala Rang Behari Lal, Rai Bahadur T. B. Roy, Rai Bahadur A. K. Mukharji, Mr. Fazal Ibrahim Rahimtulla, Mr. U. Tok Kyi.



Indians who had been sentenced to various terms of imprisonment for political crimes. In December 1919 there was a royal clemency, and early in January 1920 a large number of those were released. Then, sir, came the Special Congress in Calcutta in September 1920. It is very well known that the non-co-operation resolution<sup>4</sup> was for the first time passed at that Special Congress, and that resolution was confirmed in the following December at Nagpur. After that, we find that in the years 1921 and 1922 there was a complete lull so far as revolutionary crime was concerned. I do not wish to go again into the question as to what that lull was due to. It will be for the future historian to chronicle the real causes. Of course, the Government give the credit to their repressive laws;<sup>5</sup> we give the credit to the non-co-operation movement.

In December 1922 came the Gaya Congress when there was a split among Congressmen, and the Swaraj Party was founded in January 1923.<sup>6</sup> In February 1923 the Swaraj Party gave out to the world its programme of entering the Councils in order either to mend or to end them.<sup>7</sup>

<sup>4</sup> By this resolution, the Congress invited all its supporters to boycott the elections, to boycott education, to boycott the law courts, to boycott foreign goods, to boycott the Imperial Services all round.

<sup>5</sup> While referring to the revolutionary movement in Bengal in the course of his speech on the Bengal Criminal Law Amendment Ordinance on 28th January 1925, Honourable Sir Alexander Muddiman stated in the Legislative Assembly, that the movement was crushed because of the stringent measures adopted by the Government. He said: "the conspiracy . . . was by the special measures then enacted, then taken, finally crushed".

<sup>6</sup> See note on p. 505, *infra*.

<sup>7</sup> The basis of the programme of the Swaraj Party was set forth in the election manifesto, issued on the 14th October, 1923, over the signature of Pandit Motilal Nehru, which stated *inter alia*:

"Indians have no option but to continue to carry on a policy of progressive system of Government until it is radically changed in accordance with the will of the people expressed through their chosen representatives."

The practical programme of the Party was laid down thus:

"The demand to be made by the members of the Party on entering the Legislative Assembly will in effect be that the right of the people of India to control the existing machinery and system of government shall forthwith be conceded and given effect to by the British Government and the British Parliament.

"The immediate objective of the Party is the speedy attainment of full Dominion status.

*Contd.*

Well let me now very briefly review the events which followed. That declaration, as soon as it was made, received a reply from the Government. The reply was that in May 1923 and in the succeeding months a series of cases were instituted in Bengal beginning with the Kona murder case.<sup>8</sup> I have no hesitation in again characterising the more important of these cases as entirely false. In fact the Kona murder case and the Alipore conspiracy case, to mention only two, were held by the courts which tried them to be false and in the case as put by the prosecution no political element in the crime was made out.

Then, sir, the Swarajists were busy with their own domestic quarrels up to the middle of September 1923, when the Special Congress at Delhi passed the resolution permitting Council entry.<sup>9</sup> What was the reply? In the latter half of September 1923, we find Regulation III of 1818 put into force in Bengal, and a number of persons, mostly Swarajists, were taken under that Regulation, including the editor of the proposed paper *Forward* and the editors and managers of other Swarajist vernacular papers. Then came the election manifesto of the Swarajist Party, dated 14th October, 1923, offering open battle to the bureaucracy; and that was followed in January-February 1924 by the actual entry of the Swaraj Party into the various Councils and this Assembly.

The first important measure which was passed by this Assembly on the 18th February, 1924, was the well-known Resolution on self-government,<sup>10</sup> which, as the House is aware, was passed by an overwhelming majority. In the course of the debate the Government disclosed their policy. It was decided by the Nationalist Party that the response so made was highly unsatisfactory, and then followed the treatment of the Budget in the manner with which

“If the demands are not granted to the satisfaction of the Party, occasion will then arise for the elected members belonging to the Party to adopt a policy of uniform, continuous and consistent obstruction within the Councils with a view to make government, through the Councils, impossible, but before adopting such a policy the representatives of the Party in the Councils will, if necessary, strengthen themselves by obtaining an express mandate of the electorates in this behalf.”

—For text of manifesto, see pp. 505-13, *infra*.

<sup>8</sup> For details, see pp. 199-203, *supra*.

<sup>9</sup> See. pp. 506-07, *infra*.

<sup>10</sup> For details, see p. 101, *supra*.



the House is familiar and the throwing out of the Finance Bill.<sup>11</sup>

I have already referred to the lull which prevailed in the country in 1921 and 1923. As Lord Lytton put it in one of his speeches, it was because the revolutionaries were then content to stand by and watch the development of the non-co-operation movement. Now it seems that their patience was exhausted and there was political crime in Bengal.

Then we come to the Bengal Council deadlock. On the 24th March, 1924 the Ministers salaries were rejected and when they were put up again before the Council in August following they were again rejected. Meanwhile the Reforms Inquiry Committee was constituted and the Government Communique was published,<sup>12</sup> I think it was in May 1924. Well after the Ministers salaries were rejected for the second time in the Bengal Council, namely in August 1924, we come to the next important date, the 25th October, the date of the Ordinance.<sup>13</sup> This Ordinance was passed soon after this House was adjourned on the close of the Simla Session. Over sixty Swarajists were taken and a regular reign of frightfulness inaugurated in the country.

This Assembly had, during the Simla Session, quietly proceeded with its labours. It had passed many important Resolutions. To mention only two of them there was the Lee Commission<sup>14</sup> and there was the Taxation Inquiry Committee, both of which came in for a full criticism by this House, and the House expressed its mind unequivocally by passing Resolutions<sup>15</sup> condemning both by large majorities but to no effect.

Then, sir, we come to the present Session. I am only hastily going through the events to show the connection of cause and effect. We had the Ordinance debate<sup>16</sup> which is fresh in our minds. The next important thing was the Reforms Inquiry Committee report and as to that the House has been engaged. It was said that

<sup>11</sup> Finance Bill was rejected by the Assembly on 17th March 1924. For Pandit Motilal Nehru's speech on the subject, *see* pp. 142-53, *supra*.

<sup>12</sup> *See* footnote 1, XXI, *infra*.

<sup>13</sup> For details, *see* p. 196, *supra*.

<sup>14</sup> Royal Commission on the Superior Civil Services in India.

For details *see* p. 159, *supra*.

<sup>15</sup> Resolutions against the Lee Commission and the Taxation Inquiry Committee were passed on 12th and 22nd September, 1924, respectively.

<sup>16</sup> Held on 28th January and 5th February 1925.

it was impossible to announce the provisional policy of the Government during the present session<sup>17</sup> and, therefore, Government were not prepared to give a day for the discussion of this most important matter. But it was also alleged that before any final action was taken this House would have an opportunity of discussing the report of the Reforms Inquiry Committee. Well, sir, the provisional policy must be based upon something and we know exactly upon what it is going to be based. We know that His Excellency the Governor-General<sup>18</sup> is going to England at the invitation of the India Office to consult with them on the situation in India. It is not merely a holiday trip, which no doubt His Excellency richly deserves, but it is a business trip. What will happen there? There will be consultations between His Excellency and the Secretary of State and I suppose also the other members of the British Cabinet, and in those consultations His Excellency and the Cabinet will not be unassisted by other expert help, if I may so call it, from India. I find that by a fortuitous coincidence a galaxy of Indian administrators will be present at or about that time. We shall have Sir Harcourt Butler, Sir Henry Wheeler, Sir Frank Sly, Sir John Kerr—he has come back, I take it—but his absence will not matter much—Sir William Vincent, and last but not the least, my Honourable friend Sir Basil Blackett. Mr. Hindley too. These will be the veteran experts in the special art of governing India, and those first named by me the stalwarts in the preservation of law and order in this country. My friend Sir Basil Blackett, of course, has not had directly to do with the preservation of law and order in the country, but he will go there smarting under the cuts which this Assembly has inflicted on him.

*The Honourable Sir Basil Blackett:* Especially the sinking fund.

<sup>17</sup> In answer to a private question re: the Reforms Inquiry Committee put by Diwan Bahadur T. Rangachariar, Sir Alexander Muddiman stated in the Assembly on 12th March 1925, that “it would be impossible for them (Government) to announce their provisional conclusions upon the recommendations in the Report during the current session. Government have therefore decided not to afford special facilities for discussion during the current session.” The Home Member, however, added that “it is certainly desirable that before any final orders are passed, the views of this House should be before the authorities.”

—L.A.D. 1925, *op. cit.*, pp. 2170-71.

<sup>18</sup> Lord Reading.



*Pandit Motilal Nehru:* Now, sir, it is said the results of all these discussions will only be provisional, which means liable to change by the vote of this House. Is there any Member of this House who would believe in that? I can very well visualise what will happen at that round table conference. We asked for a round table conference and we have had it with a vengeance now. At that round table conference, sir, what will happen will be this. I can see it clearly as if I were present there. If any suggestion of a real solid advance is made, we shall find at once Governor after Governor repudiating all responsibility in the matter. He will say, "I cannot go so far; I shall not be responsible if these powers are to be given to the Legislatures in India."

*Diwan Bahadur T. Rangachariar:* Who will make the suggestions?

*Pandit Motilal Nehru:* Somebody will do it, either Lord Birkenhead or somebody else. My friend will allow me to remind him that there is enough suggestion of that kind in the minority report<sup>19</sup> and that certainly will be before them. So, there is no lack of suggestion and I have not so entirely despaired of the the British Cabinet, the British Parliament and British statesmanship generally as to think that there is not one man in England capable of suggesting a real advance in the Legislatures of this country. Well, that suggestion will be met by the threats I have mentioned. What can any Secretary of State or any Cabinet do when the man on the spot says, "I am not in a position to carry this out"? Well, the whole idea will be dropped. The meeting will break up in London, all the Governors will go back to their respective capitals and after all this the so-called provisional policy of the Government will be put before this House for discussion.

Now, sir, what impression would the vote of this House make upon that provisional policy? Not even the impression which the squeak of a rat makes on any Honourable Member on the Government benches when he hears it in his bedroom. But I go further. This House is admittedly powerless but what can Parliament itself do? Is it or is it not true that the Conservative Government at this moment has an unprecedented majority in the House? Is it or is it not true that no Government in power can really be afraid that if a very important measure like this is once settled by the Cabinet it will be thrown out by Parliament? Parliament will simply refuse

<sup>19</sup> See footnote 3, XXI, *infra*.

to go into the matter. It will be enough for them to know that those who are charged with affairs of this kind have come deliberately to certain conclusions. We all know what the amount of knowledge of Honourable Members of both Houses of Parliament is about India. They will be quite right. I do not blame them. The Cabinet has men in it who represent the party in power and not like here, gentlemen, very amiable and good but forced upon us against our consent. Well, I say that that provisional policy would be as final as any policy can be. In fact, it will be stereotyped for some years to come.

And then what will happen in India? While these consultations and confabulations are going on there, what will happen here? That has been envisaged by my Honourable friend Sir Charles Innes. In India, sir, a great battle will be fought on the field of Allahabad. His Excellency the Commander-in-Chief or his successor, if His Excellency goes away in the meanwhile, will lead all the land and air forces of His Majesty and meet my humble self with my 45 gallant Swarajists, all unarmed, and a great battle will be won to the eternal glory of British Arms. That is what will happen here.

We are asked to wait and watch and it has been suggested by certain kind and well-meaning friends that there is nothing to prevent us from going to England and presenting our case there. Now, sir, I for one disdain any eavesdropping at Downing Street. Unless we are asked to take an honourable part in any consultations, I do not think that any Member from this side of the House will ever dream of going to England simply for the sake of getting scraps of information here, there and everywhere and trying to convince the British public which, as I have already observed on several former occasions, is wholly unapproachable to us,<sup>20</sup> as I know to my cost.

Now, sir, the Government may be so utterly devoid of imagination as to think that this fine distinction between "provisional policy" and "final policy" will deceive anybody. But we know what things

<sup>20</sup> Pandit Motilal Nehru, in the course of his speech on the Resolution re: grant of full self-governing dominion status to India on 5th February, 1924, stated in the House that it was easy to approach the British ruling class but it was impossible to gain a hearing at the bar of the British people. "British public is altogether intangible and is something like the will-o'-the-wisp, which the further we follow the further it recedes."



are in reality. The most interested party will go wholly unrepresented and judgement will go against us by default. What will be said of us? Well, I can also picture that to my mind. "Look at these Swarajists," it will be said, "they are impossible men. They have no constructive policy of their own. They have not even taken part in the Reforms Inquiry Committee. The leader of the party in the House was asked to be a member of this Committee and through sheer cussedness he declined. Then, throughout the proceedings of the Reforms Inquiry Committee not one Swarajist either appeared as a witness or submitted his memorandum or opinion in writing." This will be the impression created. A veil will be drawn on the real facts. Why is it that we did not take part? Our attitude has been fully justified by the reports of the majority and the minority of the Reforms Committee. As the facts are not known I take the liberty to read the answer I gave to the invitation which I received from the Government to be a member of this Inquiry Committee. This is what I said on the 3rd of June. I read from a press cutting:

"I have carefully considered the terms of reference to the proposed Committee and have come to the conclusion that no inquiry within the limits, scope and extent prescribed can yield satisfactory results. It will, no doubt, be possible for the Committee to discover the difficulties arising from or defects inherent in the working of the Government of India Act and the rules thereunder and suggest remedies within the limitations laid down. But it is obvious that no such remedies can meet the requirements of the situation. A reference to the terms of the Resolution adopted by the Legislative Assembly on the 18th February 1924 will show that the action contemplated by the Resolution must necessarily go beyond the structure, policy and purpose of the Act, and that the object in view cannot be served by merely rectifying any administrative imperfections.

"The proposed inquiry would perhaps be justifiable if its real and avowed purpose were to collect evidence to be subsequently placed before a representative conference constituted in the manner described in the Resolution of the Assembly with unrestricted powers to propose such changes in the constitution as the circumstances required. But as I read the press communique it commits those who agree to serve on the committee

to the structure, policy and purpose of the Act and gives no indication of any intention to hold a subsequent conference with wider powers or to take any action beyond that necessary to rectify administrative imperfections under the Act and the rules as they stand.

“For these reasons, while thanking the Governor-General in council for the invitation, I regret my inability to serve on a Committee constituted in the manner and for the purpose set out in the press communique.”

Now, sir, this Committee did meet and it came to certain conclusions and made its report. That report, I submit, has fully justified the position that I took. There is the majority report and the minority report. So far as the majority report is concerned, I thought that I was reading some administrative report, something like what is issued year after year by the heads of the departments. I see no indication in it of any attempt to reach the root of the question. Of course, there was the formula before the Committee—“not to go beyond the structure and the purpose of the Act”—and, therefore, any attempt in that direction was abandoned on the plea that it would not be within the scope of the inquiry. Then, when they came to discover defects and imperfections, they acted just like one who inspects an office and after going through the books and files recommends changes of procedure and transfers of certain routine items from one head to another head, and things of that kind. The only real recommendations of any substance did not go beyond the transfer of such things as the Indian Law Reports, Boilers and Gas and Forests where they are not already transferred and Excise in Assam where it is not a transferred subject. Now, the whole joke of it becomes quite apparent when you read that report in conjunction with the Resolution which was passed by this House and the debate which was held on that occasion showing the objects with which this Inquiry Committee was constituted. This Committee undoubtedly was a thing which the Government had done in response to that Resolution.

Sir Malcolm Hailey from his place in this House made it clear twice<sup>21</sup>—once in his opening remarks and then in his concluding

<sup>21</sup> For texts of speeches see L.A.D., Vol. IV (1924), Part 1, pp. 356-66, and 752-66.



speech—that all they were prepared to do was to explore possibilities. But the intention was to get at the bottom of the trouble and not merely to provide a sort of an eye-wash by adding something of no consequence or transferring one or two items of no importance and thus to throw another sop to the country and see if it can be satisfied. What Sir Malcolm Hailey said was: If it was found that no substantial advance could be made, which was desirable within the structure and the scope of the Act, then he said, “I give you no undertaking whatever. It will be a matter to be considered when the occasion arises.” I quite admit that he did not commit himself to anything particular if it was found that nothing could be done within the scope of the Act itself. But surely the fact that nothing could be done within the scope of the Act could not have been a revelation to the Reforms Inquiry Committee or rather the majority. It did not require a prophet to tell us at the time that it will be so. We know that nothing was possible and therefore, sir, so far as the position we took is concerned, both the majority and the minority reports have fully justified it.

This is hardly an occasion when I should detain the House by going fully into the merits of the recommendations of the majority report, or those of the suggestions contained in the minority report. All I shall say for the present is this that the majority report is a mere camouflage and the minority does certainly contain things with much of which we agree and with much of which we do not agree. At the end the only substantive conclusion arrived at is that it is a matter which must be gone into either by a Royal Commission, or through some other agency. We had ourselves suggested a more suitable agency and we are no wiser to-day than we were when the Reforms Resolution was passed by the House.

Now, sir, there is one part of the majority and the minority reports which I must deal with as it very seriously affects the Swaraj Party, and in which I find that both of them have gone hopelessly wrong. I refer to the question of disqualification under the rules from membership of this House and the Councils on the ground of conviction for an offence involving a sentence of more than six months. Now, upon that point both the majority and the minority have, in a fit of generosity, extended the term of imprisonment, which would be a disqualification, to one year. That is to say, if a sentence is for more than one year, the disqualification remains,

but when it is for a less period there will be no disqualification. Now, sir, I am not at all surprised at the majority coming to that conclusion, but am greatly surprised at the minority, which consisted of most eminent lawyers like my friend Sir Tej Bahadur Sapru and my Honourable friend Mr. Jinnah, having agreed in that conclusion. They were perhaps caught napping and did not fully realise what they were agreeing to.

It is, no doubt, a rule of English statute laws, based on Parliamentary practice and precedent, that the disqualification applies on conviction for certain offences involving a sentence of more than one year, but it was overlooked that that disqualification attached to the person while he was actually undergoing the sentence and not after he had suffered the sentence, or had been pardoned for the offences. It is a very elementary principle of criminal law that an offence is purged by undergoing the punishment for it, and it is on that principle that the English practice is based. Even convictions for high treason are treated in that way. That is to say, if the sentence imposed has still to run, you cannot elect the person who is undergoing that sentence. But once he has served out the sentence there is nothing to prevent his election because it is for the electorate to judge whether the man is fit to represent them or not. What is provided against is that the electorate must not put the Government in a false position. When the Government holds a person in jail and they elect him it would create difficulties, and to avoid that, that rule was framed.

Now, sir, the rule as it obtains in India came up for consideration before the Parliamentary Joint Committee. It was discussed from the 27th May 1924 to the 1st July 1924, and it was discussed at the recommendation of the Government of India, the recommendation being that the disqualification should be removed. That recommendation in its turn, sir, I flatter myself to believe, was based upon a Resolution which was tabled in this House very early in the beginning of the 1924 session, but unfortunately has not yet been favoured by the ballot and come up for discussion in the House. However, that may be, the recommendation of the Government of India was there, and on that recommendation discussions were held in the Joint Committee on various dates. Witnesses were examined, among whom Lord Meston was one, and I will only read what was resolved at the final sitting:



“Then it was moved by Lord Clyde that the Committee shall advise the Secretary of State for India to adopt the proposal of the Government of India to amend the rules made under the Government of India Act, 1919, so as to remove disqualification for five years which the rules at present impose upon any person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for more than six months is subsisting.”

—note that the motion was to remove it altogether—

“On the question whether the proposed motion be agreed to the contents were 10 and the non-contents were 5.”

In spite of that Resolution of the Joint Committee which was based on the recommendation of the Government of India themselves, we find the majority and the minority both falling into the error that I have mentioned. Now, sir, it is an error which very deeply affects us. As is very well known, it is we, the Swarajists, who come under that disqualification, and not only ordinary Swarajists, but men like Gandhi who is disqualified, men like Lala Lajpat Rai and Pandit Jawahar Lal Nehru who are disqualified. There are numerous others who are disqualified but those I have named need no introduction in this House or outside it. And so far as that goes, in the early manifesto of October 1923, which I had the honour to issue, there was a challenge to the Government to withdraw the disqualification before the elections, and see the result. I now challenge the Government again to dissolve this Assembly, after withdrawing the disqualification. If this is done I promise this House will contain a vast majority of Swarajists.

These, sir, are in brief the more important events which have happened during the present regime, and the whole policy of the Government may be summed up in a very few words. If you bear in mind the dates that I have given, you will find that the policy of the Government comes to this: they give full play to their repressive laws and inaugurate a reign of terror by making indiscriminate arrests throughout the country. When they are satisfied with their own terrorism and feel confident that they have crushed out the spirit of freedom, they obtain a Royal clemency and let off a number

of persons in the hope that that spirit will not revive. But what do they find? They find to their utter discomfiture that the same spirit rises again in the more chastened form of non-violent non-co-operation. What happens then? They again begin pinpricks of mild repression, which is followed up by more severe repression, until some unbalanced youths in Bengal go mad. . .

*Mr. Bipin Chandra Pal:* Why not in the United Provinces?

*Pandit Motilal Nehru:* Because Bengal is more political than the United Provinces and Bengal is sensitive, and more patriotic if you like. If you want that compliment I am willing to give it though I do not think it will be fair to the United Provinces.

However, in Bengal, when these unbalanced youths are driven to madness, some of them resort to crime, and the opportunity is at once taken of proclaiming to the world that there is a deep-seated conspiracy in Bengal. The Ordinance is passed, and what is done under the Ordinance? Out of 70 odd arrests made the first day, 60 of the prisoners happened to be Swarajists. In the whole round-up of Calcutta not a single bullet, not a single ounce of gunpowder, nor any material for the manufacture of bombs was found. But I need not go over the ground which was traversed in the resolution on the Ordinance. Then comes the Reforms Committee's Report; but why it comes as a sort of solace to some, I do not know. There are friends in this House and outside who have great hopes at least from the fact that the minority had made certain suggestions which will perhaps be accepted by the Government at home. As far as we are concerned, sir, I have already submitted that we have no such hope. We shall wait and see; but what shall we do in the meanwhile? Well, I can only say that we shall go out into the country again to work among our people and to work as long as it is necessary unless, of course, His Excellency the Commander-in-Chief finds other occupation for us either in this world or the next. But that is the only thing that we have got to do. Now that is the whole of the policy of this Government. That is why you cannot do without repressive laws. That is why you dare not concede any substantial advance in self-government. You know all this but you forget your own traditions. You forget that the spirit of independence once born can never die, do what you like. Your repression will only recoil on yourselves. Go on trying it as long as you like. So far as we are concerned, we, I can



assure you, shall never be tired of opposing that repression and of suffering whatever hardship it entails. Meanwhile all we can do is to speak out our minds clearly and fearlessly, and that is what I have attempted to do to-day. I ask the House now to take the view which I have placed before them, to accept that view and to support the motion and pass it with an overwhelming majority.

[The motion was adopted]

## Vicious Measure

*Speaking on the motion for consideration of the Bengal Criminal Law Amendment (Supplementary) Bill, on 23rd March, 1925.*

Sir, I take this early opportunity to explain the attitude of the Swaraj Party in regard to this Bill. Sir, we look upon it as a vicious measure designed to achieve in an underhand manner what the Government know they cannot achieve by adopting a straightforward course. Sir, it is a trap, a well-prepared trap, with a very tempting bait laid on which no lover of justice and fair play can find it easy to resist. It is an iniquitous Bill which, while pretending to concede a right, a most valued right, really strikes at the very foundation upon which that right rests. It is a sordid attempt to deceive this House into the belief that it is securing some small measure of justice for the innocent victims of the bureaucracy while in truth and in reality the House would only be helping the bureaucracy to tighten its hold upon these unfortunate men and to deprive them of what little protection they still enjoy. Sir, these are obviously very grave and serious charges. But the Government stand convicted out of their own mouth.

Let us recall to our minds the leading features of the dirty history of this, the dirtiest piece of work that any Government has ever engaged itself upon. The House and the public know under what circumstances the Ordinance<sup>1</sup> was promulgated and I do not propose to detain the House at any length on that part of the history. Suffice it to say that opportunity was taken to promulgate this Ordinance at a time when this House had just risen and when it was not to re-assemble for some months. When the House did re-assemble it was gagged. Honourable Members will remember that I gave notice of a Bill which it was the statutory right of this House to consider, a Bill to supersede the Ordinance. Under Section 72 this House and this House alone had any right to deal with the Ordinance in any manner. That right, sir, was tried to be availed of, that right was denied to this House. I say, and I say after due consideration,

<sup>1</sup> See p. 196, *supra*. —



that this House has been cheated out of its statutory right to interfere with that Ordinance. Section 67 (2) (iii) is the only provision in the Government of India Act which allows an Ordinance either to be repealed or to be controlled or amended in any way, and that power is confined to this House to be exercised with the previous assent of His Excellency the Governor-General. That assent was refused to me and the Bill, therefore, could never come up before this House. But what happened was that about the beginning of January or February—the date does not matter—the Bengal Council was called upon to pass an Act embodying almost word for word the provisions of the Ordinance. The Bengal Council refused to pass that Act. Now, sir, it would be a very debatable question of constitutional law whether the Bengal Council had any right on a matter of this kind to legislate at all. To my mind even if the Bengal Council had passed that Act, it would have been a nullity as it would in my opinion have been *ultra vires* of the Bengal Council to pass a sort of parallel legislation to the Ordinance which was then and which is still in force. However that may be, I simply say that it is a debatable point and I do not go further into the matter for the obvious reason that this is neither the place nor the occasion when such a question should be discussed. I leave it to the members of the Calcutta Bar and to the Honourable Judges of the Calcutta High Court to consider the question when it arises.

Now, sir, instead of this House being allowed to go direct to the Ordinance and pronounce its decision upon it, what has been done is to adopt a circuitous course by taking advantage of Section 80A(3) which no doubt gives Provincial Councils the power to legislate for the purpose of amending the criminal law so far as it relates to their Provinces after the assent of the Governor-General has been obtained. As I have said, the Council refused to pass the Act. Then it became by certification the Act of the Governor alone, not even of the Governor in Council, because the power under Section 72(E)<sup>2</sup> is vested in the Governor. Now, sir, that Act was laid before the Houses of Parliament and in due course it received the assent

<sup>2</sup> Section 72E of the Government of India Act provides:

“Every such Act shall be expressed to be made by the Governor, and the Governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His Majesty’s pleasure.”

of His Majesty in Council. His Majesty in Council could not help giving his assent. Being a constitutional monarch, His Majesty, of course, acted according to the advice of his Ministers. That Act now comes before us, not as an Act with which we can deal but it comes before us in another way, in a more insidious way. We are now to consider a supplementary Bill, a Bill to supplement the provisions of that Act. What is it that we are asked to supplement? A thing to which we were no parties, a thing which we have denounced in unmeasured terms, but we cannot say a word about the main Bill. This, I say, sir, is an insidious attempt to get us indirectly to accord some sort of approval to a measure to which we were no parties, a measure which, as is well known, was against the Resolution of this House<sup>3</sup> and the opinions expressed in the course of the discussions which took place on the Ordinance.<sup>4</sup>

Now, sir, let us take a few of the clauses of the Bill. Clause 3 is what I would describe as the bait. It is a clause which gives a most valued right. The right of appeal from convictions and from the findings and sentences passed by the courts of first instance is in all countries of the world deemed to be a very valued right. But what is the right that this Clause confers? It is a shadowy right. In fact, it is no right at all. The right of appeal and the value to be attached to it depends upon the right to claim a trial according to law. What are the facts here? The main Act consists of two parts. Part I lays down the constitution of special courts of Commissioners to try offenders—but what offenders?—not all the offenders, not every one that is taken under the Act, but only such as the high and mighty bureaucracy choose to put before the Commissioners. The Government have a discretionary power. Not one of nearly 100 men who are now suffering duress vile can claim a right of trial before even this specially constituted tribunal, this very much crippled tribunal. It depends on the sweet will and pleasure

<sup>3</sup> The following was the Resolution concerning the Bengal Ordinance which was passed by the Assembly on 5th March, 1925.

“This Assembly recommends to the Governor-General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor-General for and in the province of Bengal.”

<sup>4</sup> For details of discussion in the Assembly, which was held on 28th January and 5th February, 1925, see L.A.D., Vol. V (1925), Part I, pp. 395-440 and 821-52.



of the bureaucracy to select any one they like, if they are minded to select anyone at all, to go through the farce of a trial and then they are gracious enough to say, "Thou shalt have a right of appeal".

I can very well understand, sir, what is going to happen. There is no question that in a case like this, when hundreds are taken, there will undoubtedly be some who have committed some crime—and what country in the world is free from crime? It must be in the very nature of things that one or two would be really guilty persons. It is in the nature of things that there would be evidence forthcoming against them. It is in the very nature of things that evidence would be found sufficient not only by this special tribunal but also by the High Court to convict the man. Now, this unfortunate man will be placed before the Commissioner. He would probably have no real defence. Then he will have the right of appeal. The High Court most probably will come to the conclusion that the evidence is sufficient and uphold the conviction. What will follow? What will follow will be that the case of that unfortunate man will be used to justify the arrest of the one hundred innocent men whom the bureaucracy have not the courage to try even under the limitations which they have imposed upon the special tribunal.

Sir, Lord Lytton has said, and Earl Winterton has said in the House of Commons, that there is no intention of trying any of those taken on the 25th October, 1924, when the Ordinance was promulgated. I challenge my friend now to say whether they have the heart, the courage to try those who have been arrested under this Ordinance. What is the value of a right of appeal when there is no right to claim a trial? Sir, if a trial takes place under the ordinary law, with the due safeguards imposed by law, I can understand that the right of appeal is a very valuable right. But you take hold of a man and you keep him in detention, in prison, for any length of time you like. All that is needed by the Act, is that every year the Governor will revise the case, and if he is so minded, he will either set the man free or keep him for another year, and this will happen from year to year. The Star Chamber, sir, ensured a fairer trial to the persons whom it tried.

Then we come to the other Clauses. You have given us this bait and if we swallow it, what are we asked to do? We are asked to give more powers to the bureaucracy. We are asked to give by Clause 4 extra-territorial jurisdiction. By Clause 5 we are asked to

help the bureaucracy in suspending all courts of civil and criminal justice under section 24 of the main Act. It is described by my Honourable friend merely as an interpretation Clause. Yes, as it is; but how far does that interpretation go? It goes to the full length of depriving civil and criminal courts of their jurisdiction to deal with the misdeeds of the bureaucracy under the Ordinance and under the Act.

Then we come, sir, to Clause 6, which it is stated is the natural consequence of the Ordinance. The Ordinance had a provision of this kind and this Clause, it is said, is inserted simply because the Bengal Legislature, as a Provincial Legislature, could not provide for the matter. I ask, is that a consequence which follows as a matter of course? Does the provision not involve the refusal of a right, the denial of which cost England the head of one of its Kings? You say Clause 5 is an interpretation Clause, and you say Clause 6 follows as a matter of course from the Ordinance. The result is, as I have said, that while you give a sham right of appeal which in one case out of 20 might perhaps have some little value, you deprive hundreds of persons—may be thousands of persons—who knows when you are going to desist from this mad career of indiscriminate arrests—of the right which they enjoy under Section 491,<sup>5</sup> of the jurisdiction which the High Court possesses under that Section. And what is the price? The price is, you give the right of appeal in such cases as you deem fit to try. This is the whole of the Bill which we are now asked to pass.

We realise, and let there be no doubt about it, we fully realise that the right of appeal, however limited, has always some value. If there is one unfortunate man who has a chance of having his case placed before the highest tribunal in the land, that is a chance, sir, which no responsible man will deny him. We cannot, therefore, oppose the whole Bill which contains Clause 3. It is a cruel, almost a fiendish, dilemma in which we are placed. We must recognise

<sup>5</sup> Section 491 of the Code of Criminal Procedure 1898, provides:

Any of the High Courts of Judicature at Fort William, Madras, Bombay, whenever it thinks fit, direct:

- (a) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law:
- (b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty.

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that there is some value, however little, in the right of appeal given by the Bill. There may be cases where there is some chance, however slender, of the poor man getting justice from the High Court. On the other hand, we are asked to barter away all the rights of the others for this little chance. Well, we are not prepared to fall into the trap. It was only the other day that much pious horror was shown in this House when my Honourable friend Mr. Goswami described the present system of Government as the devil's government.<sup>6</sup> Are these provisions, I ask sir, anything short of installing the devil on the high and holy seat of justice? I say it is nothing short of that. We have heard of Jedwood justice—hang in haste and try at leisure. To this the Government have graciously added the right of appeal, the nature of which I have described. Sir, we are not going to be deceived by this. Not even the man in the street will be deceived by anything like this.

Therefore, sir, to sum up the position of my Party, I say that this is an iniquitous measure, the iniquity of which is only enhanced by the right which it pretends to give with one hand and the rights which it takes away with the other. So far as that goes, as I have already said, we must recognise the little good that there is in this stingy grant of the right of appeal. Our position will be that we shall say nothing about it. We shall leave you to stew in your own juice. We shall not cast our vote either for or against but when you try to ask us for more powers we shall oppose you and we shall refuse you those powers with all the strength that we can command. That, sir, is the position of my Party.

[The motion was adopted]

<sup>6</sup> Interrupting the Honourable Sir Alexander Muddiman, who was speaking on the Indian Finance Bill in the Assembly on 18th March, 1925, Mr. T. C. Goswami pronounced the Government of India as the "devil's Government". Sir Muddiman did not relish the remarks of Mr. Goswami and said: "That observation will be noted, I think, in many quarters. I think it was an unwise observation."

L.A.D., Vol. V (1925), Part I, p. 2611.

# Dyarchy

*Speaking on the Resolution relating to the Reforms  
Inquiry Committee Report on 7th September, 1925.*

Sir, I beg to move an amendment to the Resolution<sup>1</sup> which has just been proposed by the Honourable the Home Member. That amendment runs as follows:

“That for the original Resolution the following be substituted:

<sup>1</sup> “This Assembly recommends to the Governor-General in Council that he do accept the principle underlying the majority report of the Reforms Inquiry Committee and that he do give early consideration to the detailed recommendations therein contained for improvements in the machinery of Government.”

—L.A.D., Vol. VI (1925), Pt. II, p. 848.

A Resolution suggesting the summoning at an early date of a Round Table Conference to recommend, with due regard to the protection of the rights and interests of important minorities, the scheme of a constitution for India, and after dissolving the Central Legislature to place the said scheme for approval before a newly elected Indian Legislature and submit the same to British Parliament to be embodied in a statute, was adopted by the Assembly on 18th February, 1924. As a result of this Resolution, the Government of India appointed a Committee under the Chairmanship of Sir Alexander Muddiman, with the following terms of reference:

- (1) To inquire into the difficulties arising from, or defects inherent in, the working of the Government of India Act and the rules thereunder in regard to the Central Government and the Governments of Governors' Provinces; and
- (2) To investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act,
  - (a) by action taken under the Act and the rules, or
  - (b) by such amendments of the Act as appear necessary to rectify any administrative imperfections.

The Committee issued its Report in March 1925, but the conclusions arrived at were not unanimous. There were two parts—one which is referred to as the majority report and the other as the minority report. The majority said that the existing constitution was capable of amendment and should be amended in the way that the report suggested. The minority report, while not hostile to many of the recommendations and perhaps even favourable to a few, took the line that the then constitutional machinery needed structural changes beyond the scope of any remedy within the terms of reference.



“This Assembly, while confirming and reiterating the demand contained in the Resolution passed by it on the 18th February, 1924, recommends to the Governor-General in Council that he be pleased to take immediate steps to move His Majesty’s Government to make a declaration in Parliament embodying the following fundamental changes in the present constitutional machinery and administration of India:

- (a) The Revenues of India and all property vested in or arising or accruing from property or rights vested in His Majesty under the Government of India Act, 1858, or the present Act or received by the Secretary of State in Council under any of the said Acts shall hereafter vest in the Governor-General in Council for the purposes of the Government of India.
- (b) The Governor-General in Council shall be responsible to the Indian Legislature and subject to such responsibility shall have the power to control the expenditure of the Revenues of India and make such grants and appropriations of any part of those Revenues or of any other property as is at present under the control or disposal of the Secretary of State for India in Council, save and except the following which shall for a fixed term of years remain under the control of the Secretary of State for India:
  - (i) Expenditure on the Military Services up to a fixed limit.
  - (ii) Expenditure classed as political and foreign.
  - (iii) The payment of all debts and liabilities hitherto lawfully contracted and incurred by the Secretary of State for India in Council on account of the Government of India.
- (c) The Council of the Secretary of State for India shall be abolished and the position and functions of the Secretary of State for India shall be assimilated to those of the Secretary of State for the self-governing Dominions save as otherwise provided in clause (b).
- (d) The Indian Army shall be nationalised within a reasonable, short and definite period of time and Indians shall be admitted for service in all arms of defence and for that purpose, the Governor-General and the Commander-in-Chief shall be assisted by a Minister responsible to the Assembly.

- (e) The Central and Provincial Legislatures shall consist entirely of members elected by constituencies formed on as wide a franchise as possible.
- (f) The principle of responsibility to the Legislature shall be introduced in all branches of the administration of the Central Government subject to transitional reservations and residuary powers in the Governor-General in respect of the control of Military and Foreign and Political affairs for a fixed term of years:

Provided that during the said fixed term the proposals of the Governor-General in Council for the appropriation of any revenue or moneys for military or other expenditure classified as 'Defence' shall be submitted to the vote of the Legislature; but that the Governor-General in Council shall have power, notwithstanding the vote of the Assembly, to appropriate up to a fixed maximum any sum he may consider necessary for such expenditure and in the event of a war to authorise such expenditure as may be considered necessary exceeding the maximum so fixed.

- (g) The present system of Dyarchy in the Provinces shall be abolished and replaced by Unitary and Autonomous Responsible Governments subject to the general control and residuary powers of the Central Government in inter-provincial and in all-India matters.
- (h) The Indian Legislature shall, after the expiry of the fixed term of years referred to in clauses (b) and (f), have full powers to make such amendments in the constitution of India from time to time as may appear to it necessary or desirable.

This Assembly further recommends to the Governor-General in Council that necessary steps be taken:

- (a) to constitute, in consultation with the Legislative Assembly, a convention, round table conference or other suitable agency adequately representative of all Indian, European and Anglo-Indian interests to frame with due regard to the interests of minorities a detailed scheme based on the above principles, after making such inquiry as may be necessary in this behalf;



- (b) to place the said scheme for approval before the Legislative Assembly and submit the same to the British Parliament to be embodied in a Statute.”

Sir, I have read the amendment without any comment, but in the course of my speech I shall have occasion to explain the scheme and the scope of it.

I may at the very outset, say that in dealing with the Resolution and the amendment together I shall confine myself to a plain statement of the situation as I see it.

Let us first be clear as to what is the real question before the House. The Resolution of the Honourable the Home Member is short and innocent looking, but involves the most controversial points that are agitating the country. It is divisible into two parts, first, the acceptance of the principle underlying the majority report of the Reforms Inquiry Committee, and second, the adoption of the detailed recommendations contained therein.<sup>2</sup> So far as the latter are concerned, namely, the recommendations, let me at once tell my Honourable friend that we freely make a present of them to him.

I shall not waste the time of the House by referring to the recommendations except to say that some of the things recommended are undoubtedly most useful in their own way but not exactly the kind of things we bargained for. What we are trying to do is to find a place in the sun for ourselves. If we are to have it, we shall need no recommendation from you for the things which will be ours. If we are not to have it, your recommendations will not carry us far and we can do without them.

<sup>2</sup> The following were the important recommendations of the majority report:

- (1) Control of Secretary of State should be relaxed over the official Governments in India.
- (2) Governor-General and other high officials should be exempted from the jurisdiction of all courts.
- (3) Development of a particular industry should be the Central subject.
- (4) There should be no bar against women being elected and nominated to either house of Indian Legislature and of Provincial Councils.
- (5) The period of disqualification from being a member of either House of Indian Legislature or Provincial Councils should be increased from six months to one year.
- (6) Action should be taken for the protection of services in the exercise of their functions and rights and privileges.

The most important part is the principle. It is not stated in the Resolution and we are left to find it out for ourselves from the text of the report. I have read that report with all the care and attention due to the authors, but I am sorry to say that I have failed to discover any principle underlying it. We have been told in effect what the principle is, that something could be done under the Government of India Act and the rules made thereunder as they now stand, and that that something is to be found in the recommendations made by the majority. There is no doubt that something can always be done with everything, but the question is whether that something will meet the requirements of the situation and is worth having. That is a matter which, according to the authors, was outside the scope of the reference, and they have, therefore, not troubled themselves about it and to-day my Honourable friend, in moving his Resolution, has said that the Committee did not do what they were not asked to do and what they could not do. My answer is that if they were asked to do what I shall show presently was an impossibility, it was up to them to say so and not to make recommendations which satisfied nobody. If there is any principle to be inferred from the recommendations, it seems to me to be the principle which governs the whole system of Government, and that, "Give as little as you can and make sure that in the little you give, the power and prestige of the bureaucracy is not in the least jeopardised." But there is one question of principle which the majority have appreciated, though they have left it undetermined. It is the question whether dyarchy in the provinces coupled with the absence of responsibility in the Central Government can under any circumstances be a sound basis of administration. This and the cognate question whether dyarchy has in fact succeeded are the two vital problems which we must face in this debate. My answer to both, if I may for once borrow the phraseology of the Treasury Bench, is in the negative. I maintain that there never was any doubt in the minds of those who invented and introduced the system or of those who would like to work it at all costs that it was wholly unworkable as such. Let us begin with the inventors who secured their patent from Parliament in the form of the Government of India Act of 1919. In the concluding chapter of what is known as the Montagu-Chelmsford Report we have the following passage:



“Hybrid executives, limited responsibility, Assemblies partly elected and partly nominated, divisions of functions, reservations general or particular, are devices that can have no permanent abiding place. They bear on their face their transitional character and they can be worked only if it is clearly recognised that, that is their justification and their purpose. They cannot be so devised to be logical. They must be charged with potentialities of friction. Hope of avoiding mischief lies in facing the fact that they are temporary expedients for training purposes, and in providing that the goal is not merely kept in sight but made attainable, not by agitation but by the operation of machinery inherent in the scheme itself.”

Now, sir, let us for a moment analyse this most diplomatic statement. It comes to this. We know that the machinery we provide is charged with potentialities of friction, but we hope it will be made to work smoothly. In other words we give you an unworkable machine, but you must try to work it. It was said, and has since been repeated in and out of season, that it is merely a transitional arrangement in the nature of a new experiment and that those concerned were expected to help to the best of their ability in making it a success. I deny, sir, that it was a new experiment which deserved a fair trial. The experiment had already been tried in Canada and had hopelessly failed. Here is Lord Durham’s description of it:

“It was a vain delusion to imagine that by mere limitation in the constitutional Act, or an exclusive system of Government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or evaded and the whole business of the country was conducted by men, in whose intentions or capacity it had not the slightest confidence. Yet, such was the limitation placed on the authority of the Assembly of Lower Canada. It might refuse or pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single servant of the Crown. The Executive Council, the Law officers and whatever heads of departments are known to the administrative system of the provinces were

placed in power, without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honour and trust. However decidedly the Assembly might condemn the policy of the Government, the persons who had advised that policy retained their offices and their power of giving bad advice."

Further on, he says:

"... It appears, therefore, that the opposition of the Assembly to the Government was the unavoidable result of a system which stints the popular branch of the legislature of the necessary privileges of a representative body, and produces thereby a long series of attempts on the part of that body to acquire control over the administration of the Province. I say all this without reference to the ultimate aim of the Assembly, which I have before described as being the maintenance of a Canadian nationality against the progressive intrusion of the English race. Having no responsible ministers to deal with, it entered upon that system of long inquiries by means of its committees, which brought the whole action of the executive immediately under its purview, and transgressed our notions of the proper limits of Parliamentary interference. Having no influence in the choice of any public functionary, no power to procure the removal of such as were obnoxious to it merely on political grounds, and seeing almost every office of the Colony filled by persons in whom it had no confidence, it entered on that vicious course of assailing the prominent opponents individually, and disqualifying them for the public service, by making them the subjects of inquiries and consequent impeachments, not always conducted with even the appearance of a due regard to justice; and when nothing else could attain its end of altering the policy, of the recourse to that *ultima ratio* of representative power to which the more prudent forbearance of the Crown has never driven the House of Commons in England, and endeavoured to disable the whole machine of Government by a general refusal of the supplies."

Thus, the experiment had been fully tried and had yielded its inevitable results when it was sought to try it again in perhaps what



was considered to be a more congenial soil. The soil of India, however, proved as uncongenial as that of Canada and you have had exactly the same results. The controversy about the merits and demerits of dyarchy was started soon after the inauguration of the system and has continued since. I shall not trouble the House with opinions of responsible statesmen expressed from time to time condemning the whole system root and branch but will at once come to the Report of the Reforms Inquiry Committee. Let us first take the majority report. On the question of dyarchy it is, as I have already said, difficult to discover what is the considered opinion of the majority. They get out of the overwhelming evidence of the utter failure of dyarchy by saying:

“It is clear that witnesses have frequently made this allegation not with reference to dyarchy itself and have been thinking not of the division of functions, which is the essential principle of dyarchy, but of other features of the constitution. Complete dyarchy was not, in fact, established. For complete dyarchy it would have been necessary to have established a complete vertical division of functions between the two halves of a provincial government, and to have endowed each half with a separate purse, with a separate permanent staff and with a separate legislature; in the same way as in a federal constitution, there is a corresponding horizontal division in these respects. We have, of course, no evidence to show how such a system might have worked in India. The partial dyarchy which was introduced is clearly, as stated by the Government of the United Provinces, a complex, confused system having no logical basis, rooted in compromise and defensible only as a transitional expedient.”

So that the system introduced in India, whether you call it complete or partial dyarchy, is self-condemned and indefensible in its very nature. In this view one would have expected a clear pronouncement that it has not and could not have succeeded. But we have instead the following quibble for a finding of the Committee:

“While the period during which the present constitution has been in force is too short to enable a well-founded opinion as to its success to be formed, the evidence before us is far from convincing us that it has failed.”

It has not been shown to have either succeeded or failed, and therefore must go on, that is the logic. The minority, on the other hand are very clear and precise. They say:

“Differing from the majority of our colleagues we have been forced to the conclusion that the present system has failed and in our opinion it is incapable of yielding better results in future.”

Now, sir, at this point I think it will be of interest to the House if I refer to a passage from the opinion of the Honourable Mr. Sachidananda Sinha of the Bihar and Orissa Government, who is an Executive Councillor and not a Minister. He says in the opinion which was submitted along with the opinions of the other Members of the Bihar Government:

“... It (talking of dyarchy) is not only too complex and complicated, but one which being unknown to constitutional history is naturally unwarranted by political experience as a satisfactory solution of the problem of an efficient executive, sufficiently amendable to the control of popular representatives. In this connection, I may quote a well-known historical incident which seems to have bearing on this point. After Akbar had formally founded and declared himself the high priest of his new religion, ‘Din Elahi’, he asked his near relation, Raja Man Singh, to join the new church. Man Singh said, ‘Sir, I and all I have are yours. I shall gladly obey your Royal Command, but if I had my option I had rather not to do so. If Your Majesty had asked me to become a Mussalman, I might have understood it, for I understand Hinduism, and I understand Islam; but I confess, I do not understand this hybrid creed which Your Majesty has established.’”

That is exactly the case here. We understand various systems of government known to the civilised world or that were known to the ancient world, but this hybrid system which has been brought into being by speculative constitutionalists is a thing which is unrecognisable, and impossible to be identified with any of the past and present constitutions of the world.

Now, I have read the passage from the minority report. I do not intend troubling the House with the seven good reasons they give



for their opinions<sup>3</sup> because Honourable Members must have read them. We are here concerned with the conclusion at which they arrived and I would commend to the House the passage which my Honourable friend, the Home Member, has read from the concluding portion of that Report.<sup>4</sup> I commend that passage to the acceptance of the entire House.

Now, we come to the high authority of Lord Birkenhead. Dealing with the question in his recent statement in the House of Lords his Lordship says:

<sup>3</sup> The minority report, which was signed by Dr. Sir Tej Bahadur Sapru, Sir P. S. Sivaswamy Iyer, Dr. M. A. Ansari and Dr. R. P. Paranjpye, brought the following complaints against the system of the Government of India:

(1) The impinging of the administration of reserved upon that of transferred subjects and *vice versa*; (2) The absence of joint responsibility of the Ministers; (3) The absence of joint deliberation between the two halves of the Government; (4) The attitude of the permanent officials towards the Reforms, their relations with the Ministers and their general position in the new constitution; (5) The difficulties in the way of Ministers arising out of the overriding powers of the Governors under the Act; (6) The control of the Government of India and the Secretary of State; (7) (a) The measures of control exercised by the Finance Department; (b) The fact that under the rules the Finance Department is in charge of a member of the Executive Council, who is also in charge of the spending departments; (c) The disqualification of the Ministers to hold the portfolio of finance by reason of the Devolution Rules.

<sup>4</sup> Refers to the following passage of the Minority Report read by Sir Alexander Muddiman:

“We think that the Bihar Government has correctly summed up the position in the provinces by saying that dyarchy is working ‘creakily’ and ‘minor remedies may cure a creak or two’. We have examined in detail the sections of the Government of India Act and the rules made thereunder with a view to see how far ‘creaks’ discovered can be ‘cured’. We are satisfied that this process, though it may lead to some improvement of the administrative machinery in some respects, will not produce any substantial results. We do not think that the suggested amendments if effected will afford ‘valuable training towards responsible Government’ or that they will strengthen the position of Provincial Governments, in relation to their Legislatures or that of the Central Government in relation to the Assembly . . . We can only express the hope that a serious attempt may be made at an early date to solve the question. That this attempt should be made—whether by the appointment of a Royal Commission with freer terms of reference and larger scope of inquiry than ours or by any other agency—is a question which we earnestly commend to the notice of the Government.”

—L.A.D., *op. cit.*, p. 850.

"I myself was always very distrustful of the dyarchical principle. It seemed to me to savour of a kind of pedantic and hide-bound constitution to which Anglo-Saxon communities have not generally responded, and which, in my anticipation, was unlikely to make a successful appeal to a community whose political ideas were, thanks in the main to Macaulay, so largely derived from Anglo-Saxon models."

Now, sir, we have in the opinion of Lord Birkenhead the true instincts of a constitutional lawyer asserting themselves but strangely enough His Lordship cannot find it in him to say that dyarchy has failed. Later on in the same speech, after discussing the opinions of Provincial Governments His Lordship puts the question again to himself and answers it by saying:

"Enough has been said to satisfy my present purpose which is to show that no short or dogmatic answer can be given to the question. It has neither altogether succeeded nor has it altogether failed."

and in saying that he has taken the cue from my Honourable friend—

"and it must further be noted"

this is important—

"by way of additional qualification that where it has succeeded the price of the success has been at some stages and in some directions a considerable inroad upon the dyarchical principle."

To put it in plain English what His Lordship is here saying is that dyarchy has succeeded where it was not dyarchy at all. It must, therefore, be taken that the system has been universally condemned and yet the irony of fate is that we are held bound to it. It is said that there are objections and defects obvious on the very surface, but you must honestly and earnestly work the system and prove that it is unworkable. The Government want us to give them the moon. We say it is unattainable. They agree but they insist on our making a vain attempt to get at it. We respectfully decline not only because the attempt is vain but also because the attempt has actually been made and has miserably failed. What is then the



position? It is simply this, that you have either to give us real reforms or to go back to your time-honoured methods of autocratic rule. This is, sir, all that I have got to say about the majority report. It must be scrapped and some new avenue found to make political life possible. That avenue was pointed out in February 1924 in the Resolution which was carried by this House and it is now again clearly shown by the amendment which I have moved.

This introduces me to the amendment itself. It will be observed that it consists of two main parts. It calls upon the Government to take steps to have a declaration in Parliament embodying certain fundamental principles to be made in exactly the same way in which the declaration of 20th August 1917<sup>5</sup> was made. Now, sir, we are asking you to follow exactly the same procedure but in a more satisfactory manner than was done in 1917. You will remember that in February 1924 the Resolution, which was put before the House, was a simple request for the constitution of a round table conference of the representatives of the people, and this conference was to frame a scheme for a constitution with due regard to the interests of the minorities. There we stopped. Why is it then that we have now come forward with a series of suggestions? The reason is the very generous invitation extended to us by Lord Birkenhead. In making these suggestions we point out the principle which should be followed in framing any constitution that is likely to be agreed upon. If the principle is not first established, how is it possible to frame a constitution which would answer the requirements of the position according to the lights of the framers?

The first essential for the successful framing of a constitution is that we must agree as to what is to be the basis of that constitution. So far as we are concerned we have now pointed out that basis in this amendment, and I may at once inform the House that it constitutes the very minimum that we could put forward. Briefly it is this—that we want responsible Government in the Central Legislature. We want the Executive to be responsible to the Legislature except in certain particulars detailed here, namely, the expenditure on the military services up to a fixed limit, expenditure classed as political and foreign and payment of debt and liabilities. The reason why we do that is that it is in the nature of a proposal with a view to a settlement. It cannot be anything other than that. Having

<sup>5</sup> See footnote 19, I, *supra*.

regard to the fact that His Excellency the Commander-in-Chief is now in a position to march from end to end without meeting any trace of opposition from any quarter—thanks to your having rendered us so entirely helpless—we say that you may keep the military expenditure in your own hands for a fixed term of years, and, not only the expenditure but also the general control of military services. Now, that is not because if we undertook the task we could not do it. We might make mistakes. We might even shed more blood than necessary but we shall blunder through. We are making this offer to you as one that has been agreed upon by all the Nationalists and I must emphasise the fact that it is only because it is in the nature of an offer for a settlement that it has been adopted. But it is an offer by which the Swaraj Party as a whole is as much bound as the other Nationalists in this House or outside. But it is an offer which, if it is not taken in the spirit of an offer for a settlement, is not binding upon anybody at all, at least not upon any Swarajists. I hope I have made myself clear. This is a step in the negotiations which we propose and as the entire country is united upon this point we have agreed in putting it forward as the minimum national demand. But you are not to infer from that that we consider ourselves in any way incapable of carrying out the reservations which we make in your favour in this proposal.

Then for the Provincial Governments we ask for provincial autonomy, we want the abolition of dyarchy. We reserve our right to frame our own constitution after the fixed period, during which you are to have exceptional powers, has ended.

The next step that we ask you to take after declaring these principles in Parliament is to constitute whatever agency you like—we have said a convention, a round table conference or some other suitable agency—it does not matter to us by what name you call it—but it must be a representative agency, adequately representative of all Indian, European and Anglo-Indian interests. That agency is to frame a scheme with due regard to the interests of all the minorities. When this scheme is framed it is to be laid before Parliament, as was done in the case of the Dominions, and is to be followed by a Statute embodying it.

Now, sir, my Honourable friend, the Honourable the Home Member, referred to that section of the people who stood aside when the reforms were first inaugurated and would not help in making



them a success. Let me briefly touch upon the history of that section leading up to the popular demand which is contained in my amendment. When the new Legislatures were inaugurated it is true that a very large section of the people represented in this House by the Swaraj Party stood aside and would have nothing whatever to do with them. Another section, however, offered to run the machine, and they worked wholeheartedly to make it go. But their honest and sincere endeavour was foredoomed to failure. They worked with goodwill and great ability but could not run the heavily-clogged machine, goaded as they were by liberal showers of honours and privileges. Meanwhile those who had stood apart were driven to the only alternative which was open to them, namely, non-violent non-co-operation. The Executive Government which had not parted with a scintilla of its autocratic power laid its heavy hand on these non-co-operators and persecuted them to such an extent that even that Moderate of Moderates, His Highness the Aga Khan, was compelled to tell England frankly:

“You can only remain in India so long as India wills it, but you cannot govern India by giving the Garter to one and putting another in prison.”

When the appointed lives of the first Assembly and of the Provincial Councils were drawing to a close a strong body of those who had hitherto stood aside formed themselves into the Swaraj Party with the declared policy of entering the new Legislatures with a view to mend or end them.<sup>6</sup> The immediate objective of the Party was stated in its manifesto to be the “speedy attainment of full dominion status” which was explained to mean “the right to frame a constitution, adopting such machinery and system as are most suited to the conditions of the country and the genius of the people.” This was to constitute the process of “mending” in which the Party was first to engage itself and if it failed, the process of “ending” was to follow. The erstwhile non-co-operators began with a fair and frank offer to co-operate with the Government if it would honestly and ungrudgingly join in the process of mending. As all India was of one mind on this point, all elected Nationalists, Swarajists and non-Swarajists including many nominated Nationalists joined

<sup>6</sup> See footnote, 1, XLI, *infra*.

in placing the national demand for full responsible government before this House. I had the honour to move a Resolution and in moving it I said:

“We have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here. If you care to have it, we are your men. If you do not, we shall, like men, stand upon our rights and continue to be non-co-operators.”

Nothing could be clearer than this. But how was this frank offer received? On the 8th February 1924 Sir Malcolm Hailey formulated the Government proposal thus<sup>7</sup>: He said:

“It may be that the remedy for these difficulties will be found by using the rule-making power within the Act; I refer to the utilisation of those reactions to which reference is so often made, 19-A, and 96-B. It may even be—I can say nothing as to this—that the inquiry may show that some changes are required in the structure of the Act in order to rectify definite and ascertained defects experienced in actual working. When we have our results, and those results are ready for presentation to Parliament, then before they are finally presented to Parliament we shall ask the Secretary of State to give every opportunity for discussion in this country both in the Legislature and elsewhere. That is as far as we can go at present.”

Ten days later in the course of the same debate he further explained the Government position as follows:

“If our inquiry into the defects of the working of the Act shows the feasibility and the possibility of any advance within the Act—that is to say, by the use of the rule-making power provided by Parliament under the Statute, we are willing to make recommendations to this effect. But if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and sepa-

<sup>7</sup> For speeches of Sir Malcolm (later Lord) Hailey on Independent Resolution, see *L.A.D.*, Vol. IV (1924), Pt. I, pp. 356-66 and 752-66.



rate issue on which Government is in no way committed. To that extent the scope of our inquiry goes somewhat beyond that originally assigned to it; but I must again emphasise the fact that it does not extend beyond that scope to the amendment of the constitution itself."

Now what was the result of the struggle so far in this House? The only consolation to be derived by this statement was that while the Government, as then advised were not prepared to go beyond the Act, the question of the revision of the Act itself was left open without the Government committing themselves one way or another. This was small consolation for those who asked for an immediate revision of the Act. The Resolution asking for the establishment of responsible government in India was carried by the overwhelming majority of 76 votes to 48 on the 18th February 1924. It contained the modest request:

"To summon representative round table conference to recommend, with due regard to the protection of the rights and interests of important minorities, the scheme of a constitution for India."

The existence of inherent defects in the constitution was now practically conceded by the Government, and what could be more reasonable than for this House to ask to have a suitable constitution framed in a manner in which all rights and interests could be safeguarded? This was 18 months ago. What has the Government done in this interval? It can be summed up in one word and that is, "procrastination". There was first a departmental inquiry, about which we know nothing. Then came the Committee which my Honourable friend, the Home Member, has immortalised by lending it his name. I have already dealt with this Committee. Then we come to an epoch-making event in the history of India. His Excellency the Governor-General took the trouble to go to England to confer with the Right Honourable the Secretary of State for India on this momentous question. Their Lordships held many consultations and conferences at which all the materials collected by the Muddiman Committee besides those already existing in the India Office and the Government of India Secretariat were made available to them. No greater tribute can be paid to the judicial

mind which both their Lordships brought to bear upon the most important questions they were considering than is implied in the fact that after months of full and free discussion they arrived at no decisions whatever and have kept perfectly open minds to give an unbiased hearing to this Legislature. In his statement made in the House of Lords last month Lord Birkenhead is reported to have said:

“No decisions whatever have been reached nor could any have been reached. Indeed not even the Cabinet which has naturally been kept closely aware of the discussions between myself and the Earl of Reading has reached any decision. The Government is far too conscious of the implications of the Montagu-Chelmsford Constitution to find it possible even to think of the conclusions until certain indispensable antecedent steps have been taken.”

And what were those indispensable antecedent steps? In a subsequent passage, His Lordship says:

“Before any decisions of any kind are taken it is obvious that consideration and advice of the Legislative Assembly must be elicited.

“We should, for reasons, which are apparent, not dream of announcing or even of forming decisions without the contribution of that very important Legislative body which we have so recently called into existence. I am not, therefore, to-day either announcing or purporting to announce decisions or conclusions.”

Now, this was a due recognition of the importance of this Assembly. We are truly thankful to His Lordship for the great consideration he has shown to us but I must confess to a feeling of perplexity when I attempt to reconcile this weighty pronouncement with the more or less decisive opinions expressed in the subsequent portions of the speech. For example, the effect of the Preamble to the Act of 1919<sup>8</sup> is authoritatively declared to be “permanent and static.” This, sir, is a view which we cannot accept under any circumstances, whatever. It has brought upon us all the trouble

<sup>8</sup> See footnote 5, VIII, *supra*.



we have suffered from in the past and I may at once say without mincing words that we are prepared to undergo endless suffering in the future so long as the Government adhere to that view. The fundamental principle on which a constitution for India is to be based must be the principle of self-determination. We are absolutely clear on that point. But Lord Birkenhead appears to be equally clear that this principle cannot be applied to us. His Lordship says:

“Conformably with the principles laid down in the Preamble one Constitution or another might at one time or another be attempted. Experience, education, or our informing critics in India might induce us to make an amendment here or an advance or a variation there, but the whole message, as we understand it, of our situation in India with all that it involves in the storied past, in the critical present, and in the incalculable future, is to be read in that Preamble.”

The Preamble has all that immense importance. If this be so, then good-bye to all hope of settlement. But in view of His Lordship's clear and unambiguous announcement that no decisions have been taken and none will be taken till the Assembly has expressed itself, I take the liberty to treat this expression of opinion as an *obiter-dictum* or at best an observation by a judge in the course of a trial made with the simple object of inviting argument. Taking it in that light, I beg to refer the House to what I said on the point in the course of the debate in February 1924. I will not read it. It is a long passage, but I should like to read certain important passages to supplement the remarks I made on that occasion. They refer to what was actually done when constitutions were framed in the Dominions. I take the case of Australia which framed its own constitution to be embodied in a Statute of Parliament. What was done will appear from the following extracts from the speech of the Right Honourable Joseph Chamberlain<sup>9</sup> on the introduction of the Constitution Bill in the House of Commons on 14th May, 1900. He said:

“On the one hand, we have accepted without demur, and we shall ask the House of Commons to accept, every point in this Bill, every word, every line, every clause, which deals exclusively

<sup>9</sup> Secretary of State for Colonies.

with the interests of Australia... Wherever the Bill touches the interests of the Empire as a whole, or the interests of Her Majesty's subjects, or of Her Majesty's possessions outside Australia, the Imperial Parliament occupies a position of trust which it is not the desire of the Empire, and which I do not believe for a moment it is the desire of Australia, that we should fulfil in any perfunctory or formal manner."

That is exactly what we say. Make us masters in our own home, but whatever else is outside the home and pertains more to your Imperial interests, you are welcome to keep. Then he says:

"However great we might think the mistake that they are making, and however great we think the injury to the Empire, still we should have to act against the danger of interfering with those rights which they regard as their undoubted palladium."

Sir, you will see that the amendment which I have moved to-day not only fulfils these conditions but as a transitional arrangement allows the Secretary of State for India greater powers than the Secretary of State for the Dominions has in any self-governing Dominion. Then, take the case of the Union of South Africa which enjoyed the same privilege of making its own constitution. In the course of the debate on the South Africa Bill in the House of Lords the Earl of Crewe made the following observations. He said:

"The movement for a federal constitution for the Colonies of South Africa which was started in 1876-77 came to nothing though 'it was inspired by high motives, but not perhaps carried out with complete understanding'. It failed in one respect, if I may adopt a phrase used by my noble friend Lord Selborne, it failed because it was not home-made. It was suggested and was almost attempted to be forced on the Colonies from here, and consequently it was abortive."

Then he proceeds to say:

"The action of Sir Henry Campbell-Bannerman in offering responsible Government to the Transvaal and the Orange River



Colony in 1906 was 'undoubtedly due to the general political creed held by the Government, to their more robust faith in the virtues of self-government as such than their predecessors probably had'. I do not think I should be greatly wronging the party of noble Lords opposite,"—

And I may here mention that one of the noble Lords opposite was Lord Birkenhead.

"if I were to say that they would prefer in the main to adopt the eighteenth century maxim,—

For forms of government let fools contest,  
What'ver is best administered is best."

I do not mean that Lord Birkenhead himself was present. I mean the party of which Lord Birkenhead is now a distinguished ornament. I am sorry I was not accurate. Then referring to the proposal to make alterations in order to remove glaring defects, Lord Crewe went on to say :

"But I do feel that if this change is to be made it must be made in South Africa by South Africans themselves, and that it is not possible for us, whatever we may consider to be the special merits of the case, to attempt to force it upon the great representative body which with absolute unanimity demands that it should not appear."

Now, sir, to return to the Preamble. In concluding his remarks on the Preamble Lord Birkenhead remarked :

"We shall not be diverted from its high obligations by the tactics of restless impatience. The door to acceleration is not open to menace, still less will it be stormed by violence."

All I can say, sir, in reply is that we shall not be diverted from the pursuit of what we consider to be our birthright by strong words from any quarter, however high. The door of co-operation is not open to threats, still less will it be stormed by force.

Then, I have in passing to deal with certain remarks which His Lordship has made on the Report of the Muddiman Committee. They are weighty remarks made in a judicial spirit of openmindedness. Here they are :

“We do not anticipate, for reasons which have already been made plain, that we shall be able to accept the report of the minority at this stage.”

This is also, of course, subject to what this Assembly might say in the course of this debate :

“The problem of provincial autonomy contemplates the complete transfer of the law and order and it would render necessary far-reaching changes in the Central Government of India, which have never yet been closely analysed and very rarely even cursorily examined.”

Whose fault, pray, was it that this has not been done all these years:

“It is rather on the lines recommended by the majority that any immediate action must be taken. As I have already said, we must await the formal views of the Government of India on this matter but it will certainly be the desire of His Majesty's Government to go as far as possible in carrying out the proposals which the Government of India may make after discussion in the Legislative Assembly. Many of the recommendations of the Committee can be carried out by regulation and do not require an Act of Parliament. There need be no delay in making these changes. In those cases where legislation is required, the matter can be appropriately dealt with as and when opportunity offers.”

Now, sir, all I can say is that we are not so simple as to believe that the Government of India will make any proposals of a sweeping nature. His Excellency the Viceroy has told us what these proposals are going to be, subject of course again I say, to the discussion in the Assembly. I need not refer to that speech in detail as it is fresh in the memory of the Honourable Members. His Excellency has



only repeated what Lord Birkenhead said about his Government being prepared to accept, without committing himself to all the recommendations of the majority, but to accept such as are determined hereafter to be fit to be adopted. As for the minority—of course they are dreamers—His Excellency only says :

“Briefly, the minority ask whether the Constitution should not be put on a permanent basis with provisions for automatic progress in the future, and they are in favour of a system of provincial autonomy. They press for an early inquiry with a view to fulfilling these aspirations. To the subject of provincial autonomy I shall return later. It is sufficient to say at this stage that the minority, mindful of the terms of reference, do not present it as a practical and fully considered scheme, but content themselves with putting it forward as an ideal.”

Well, sir, it will be for one of the members of the minority—and there is a distinguished member to my right—to say whether he pleads guilty to the charge that what they said in the Report was not fully considered. I can quite understand that they were very mindful of the terms of reference, but I am afraid His Excellency has not done justice to himself or to the members of the minority by saying that they had not fully considered the scheme. He proceeds :

“The steps for its attainment clearly demand further investigation.”

That is what the minority ask for :

“In effect, therefore, the recommendations of the minority amount to a demand for an early and authoritative inquiry with a view to a revision of the Constitution. The issue at the moment between them and the Government of India is largely one of time for the appointment of a Commission.”

Now, the amendment which I have placed before the House will, I think, clarify the issue. It is not merely a question of time. It is a question of substance as to what this Royal Commission or round table conference or convention or whatever agency may be employed

is actually going to do. Is it simply to come and begin at the beginning as is laid down in section 84-A of the Government of India Act? Is it to go into questions like these : What is the state of education in India? What progress have representative institutions made in India? Whether these people deserve any further progress or whether it is necessary to send them down a form or two to learn their lessons better and come better prepared for another Commission ten years later? Now, that is the sort of thing which we are objecting to. We say we are absolutely fit for self-government, as fit as you are yourselves in your own land. This is what we say. Here we are occupying that position and you tell us as you would tell schoolboys : Be good boys and you will be promoted to a higher form.

Then, it is said—and my learned friend the Honourable the Home Member relied specially upon that passage—that wise men are not the slaves of dates. I say wise men are not the slaves of Preambles either. What sanctity is there in a Preamble? Is not this Act of Parliament, the Government of India Act of 1919, just like any other Act of Parliament? Are not all Acts of Parliament the result of the experience and wisdom of Parliament? Or was any special kind of experience and wisdom or the quintessence of all experience and wisdom infused into this Preamble? Will any lawyer tell me, or for the matter of that, any other person that any legislative authority, not to speak of the Mother of Parliaments, is not perfectly at liberty to set aside its own Act under whatever circumstances it may have been passed? Of course, I do not say that the mere fact that because we ask for it the Act of 1919 must be repealed. We say we have made out a case, which you have not answered, which you have admitted, and upon that case, whatever else may happen, the provision for dyarchy and no provision for responsibility in the Central Government cannot work and cannot remain on the Statute unless, of course, in the confidence of your strength and brute force you want to keep us down and to force your own schemes down our throats for years to come.

Then, sir, there is the plea for co-operation. Lord Birkenhead, His Excellency the Viceroy and my friend the Honourable the Home Member have all said that the first condition, a very clear one, is that you must co-operate with us. I say that my first condition, as clear a condition as your own is, is that unless you show a change of heart, we are not going to co-operate. The hand of fellowship was



extended to you in no grudging spirit by the late founder and chief of the Swaraj Party. You have rejected it, but I am here to say that I and my Party stand by what he said. Let me remind you of what the late Mr. Das said in his Faridpur speech. He said :

“We have been gravely told that Swaraj is within our grasp if only we co-operate with the Government in working the present Reform Act. With regard to that argument, my position is perfectly clear, and I should like to restate it so that there may be no controversy about it.

“If I were satisfied that the present Act has transferred any real responsibility to the people, that there is opportunity for self-realization, self-development and self-fulfilment under the Act—I would unhesitatingly co-operate with the Government and begin the constructive work within the Council Chamber. But I am not willing to sacrifice the substance for the shadow. I will not detain you to-day with any arguments tending to show that the Reform Act has not transferred any responsibility to the people. I have dealt with the question exhaustively in my address at the Ahmedabad Congress, and if further arguments are necessary, they will be found in the evidence given before the Muddiman Committee by men whose moderation cannot be questioned by the Government. The basis of the present Act is distrust of the Ministers. At the same time, I must make clear my position—and I hope of the Bengal Provincial Conference—that provided some responsibility is transferred to the people, there is no reason why we should not co-operate with the Government. But to make such co-operation real and effective two things are necessary: first, there should be a real change of heart in your rulers, secondly, Swaraj in the fullest sense must be guaranteed to us at once, to come automatically in the near future.”

These are exactly the same sentiments which the minority have expressed in the concluding part of their report. Then the late Mr. Das went on to say :

“I have always maintained that we should make large sacrifices in order to have the opportunity to begin our constructive work at once.”

Further on he says :

“It is impossible to lay down the exact terms of any such settlement at the present moment; but if a change of heart takes place and negotiations are carried on by both sides in the spirit of peace, harmony and mutual trust, such terms are capable of precise definition.”

Then, sir, if it does not happen, what is the other alternative? This is what Mr. Das has said on this point :

“If, however, our offer of a settlement should not meet with any response, we must go on with our national work on the lines which he have pursued for the last two years so that it may become impossible for the Government to carry on the administration of the country except by the exercise of its exceptional powers. There are some who shrink from this step, who point out with perfect logic that we have no right to refuse supplies unless we are prepared to go to the country and advise the subjects not to pay taxes. My answer is that I want to create the atmosphere for national civil disobedience, which must be the last weapon in the hand of the people striving for freedom. I have no use for historical precedent; but if reference is to be made to English history in our present struggle, I may point out that refusal to pay taxes in England in the time of the Stuarts came many years after the determination of the Parliament to refuse supplies. The atmosphere for civil disobedience is created by compelling the Government to raise money by the exercise of its exceptional powers; and when the time comes we shall not hesitate to advise our countrymen not to pay taxes which are sought to be raised by the exercise of the exceptional powers vested in the Government.”

Now, sir, the House will please bear in mind that these are not sentiments uttered in bitterness. They were uttered at a time when the late Mr. Das was extending his hand of fellowship to the Government, and that was a time when he without the least hesitation frankly opened out his heart to Government as well as to his own people by pointing out our own weaknesses. What does he say? He says :



“I hope that time will never come,”

Referring to civil disobedience<sup>10</sup> —

“Indeed, I see signs of a real change of heart everywhere, but let us face the fact that it may be necessary for us to have recourse to civil disobedience if all hopes of reconciliation fail. But let us also face the fact that civil disobedience requires a high state of organization, an infinite capacity for sacrifice, and a real desire to subordinate personal and communal interest to the common interest of the nation : and I can see little hope of India ever being ready for civil disobedience until she is prepared to work Mahatma Gandhi’s constructive programme to the fullest extent. The end, however, must be kept in view, for freedom must be won.”

Now, sir, this is the position of the Swaraj Party. Mr. Das, as I have pointed out, refers to the possibility of co-operation more in sorrow than in anger. He implies no threat as he frankly faces the fact that we have not arrived at the proper stage of organisation to have the capacity for civil disobedience. But when there is no alternative open to us, we must take the road leading to it, however long and weary it may be. Civil Disobedience may not come for years, but it has to come one day, and the sooner we begin our preparation the better.

This is all, sir, that I have to say; and I thank the House, and I thank you, sir, for the latitude that you have allowed to me. I hope you will permit me to say one word more before I sit down. Sir, never was this House called upon to discharge a duty involving greater responsibility than that laid upon it on this momentous occasion. I say so because my reading of the whole situation, as it presents itself to-day convinces me that we have arrived at that critical moment of our political existence when the action taken on the Resolution before the House is bound to make or mar our future history. Let me assure my Honourable friend opposite that the amendment I have moved is the result of the most careful and anxious consideration that not only I and my Party but practically all the Nationalist Members of this House are capable of, and that I have

<sup>10</sup> For details of Civil disobedience movement in India, see the Civil Disobedience Inquiry Committee Report, 1923.

moved it with the fullest sense of the grave responsibility that rests upon me.

The history of the so-called reforms is painful and depressing reading at present, but as it develops in the near future, it will, I am confident, furnish the brightest chapter to the chequered history of this land. The struggle for freedom once begun must sooner or later have its appointed end, and that end is no other than the achievement of the fullest freedom. It remains to be seen whether England will share the credit of that achievement by willingly giving a helping hand or suffer that achievement to be wrested from her unwilling hands. These are the only alternatives. It is for England to choose.

[The motion was adopted]



## Grievances before Supplies\*

*Speaking on the Demands for Grants for various Departments on 8th March, 1926.*

Sir, this is the third and the last occasion in the life of this Assembly for Honourable Members to treat the Treasury Benches with the annual feast of grievances.

*The Honourable Sir Basil Blackett:* Sir I rise to a point of order. I should like to know whether the Honourable Member is moving the motion which does not stand on the paper, of which we have only had recent notice, that the demand be omitted. I feel that I am entitled to object to that motion being put, in view of the fact that we have had such short notice and the result of its being carried would be that the questions that are raised in the other motions that had priority over it would not be discussed; and in particular I should be left not knowing why Rs. 101 was to be cut owing to the inefficient administration of Customs. I think that is not a position in which I should be left.

*Mr. President:* I think the Honourable Member is making a general statement as to the position of his party in regard to all the Demands for Grants.

*The Honourable Sir Basil Blackett:* Then he is not moving the motion?

*Pandit Motilal Nehru:* No, I am not moving the motion.

Sir, I was talking of the annual feast of grievances which is provided by the vicious system of government under which we have the misfortune to live, and I was going to say that this is the third and the last occasion in the life of this Assembly which gives an opportunity to Honourable Members to provide that feast for the delecta-

\* Mr. M. A. Jinnah moved that consideration of Demands 16-27 relating to Customs and other Departments be adjourned and in place Demand No. 28, relating to the Executive Council, be taken up first. Sir Alexander Muddiman opposed the motion on the ground that a constitutional debate which Mr. Jinnah wanted to raise could as well take place on Demand No. 16, relating to Customs and moreover that was the first item on the list of business.

[Mr. Jinnah's motion was negatived]

—L.A.D., Vol. VIII, Pt. III, pp. 2134-77.

tion of the Treasury Benches. Sir, the system itself is a perennial grievance, and, therefore, it is not necessary for this House to pick and choose from the Demand which has been laid before us. As I intimated to the House, we are here to-day under a mandate.<sup>1</sup> Our instructions are quite clear and precise, and it is under these instructions that I crave your indulgence to permit me to make a statement. We have on the two previous occasions taken part in the discussion on the Budget. We told the British Government that we refused to be consenting parties to the administration which has been forced upon us against our will. We took the opportunity to convey a message to the people of the United Kingdom that, unless that system was changed according to the wishes of the people of India, there would be no contentment in this country. That message, sir, has so far been unheeded; and the latest utterances of high and responsible Members of the Government have shown the utter futility of any further action that can be taken in this House.

We come here to-day under a definite mandate to deliver to the Government the message of the Indian National Congress. For that purpose we avail ourselves of the rules of procedure, and I take the liberty to rise on the motion<sup>2</sup> which has been made by my Honourable friend Sir Basil Blackett. The message of the Indian National Congress to the Government and its mandate to us are embodied in this Resolution which was passed by the All-India Congress Committee only the day before yesterday :

“This meeting, having taken into consideration the pronouncements made in the Council of State and the Legislative Assembly by the Governor-General and the Home Member and referred to in the Report of the Special Committee, is of opinion that

<sup>1</sup> Earlier, when Mr. Jinnah's motion for the adjournment of the consideration of Demands was being discussed, Pandit Motilal Nehru said :

“We are here under a mandate to-day with clear and specific instructions how to act, and these will apply to any Demand that is put forward first. Therefore, if any division is asked for on this question which is quite immaterial to us, we shall abstain from taking part in it”.

—L.A.D., Vol. VII (1926), Part III, p. 2135.

<sup>2</sup> “That a sum not exceeding Rs. 71,84,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘ Customs’.”

—L.A.D., *op. cit.*, p. 2134.



the insistence of the Secretary of State<sup>3</sup> and the Government of India on full co-operation by the representatives of the people under existing conditions clearly demonstrates the intention of the Government to coerce the nation into abject submission without making any advance on the present vicious system of Government. The Committee, therefore, has no option but to adopt the recommendations of the Special Committee and to call upon the Swarajist Members of the various Legislatures to follow the course laid down in the Resolution (herein quoted) of the Indian National Congress passed at Cawnpore.

‘This Committee hereby calls upon the Swarajist Party in the Assembly to leave their seats after raising the constitutional issue once again on the first motion on the 8th March. This Committee hereby calls upon the Swarajist Members of all the Legislatures to conform to the other directions contained in the said Resolution of the Congress and to engage themselves in carrying out the programme hereinafter laid down’.”

I need not trouble the House with the programme which has been laid down, and confine myself to the mandate which I have just read. We are here to act on that mandate, and you will soon hear, sir, that we are acting on the rest of the programme. I crave the indulgence of the House to state briefly what has led to the action we are taking. As I have said, we took part in the budget debates of the last two years. We did this on the time-honoured principle of “grievances before supplies”. The Treasury Benches replied by piling up upon us all the obloquy and ridicule which they could, for presuming to use a weapon which we had not the strength to wield. After subjecting generations of the people to a long-continued process of emasculation, they took a cruel delight in reminding them that they were helpless and could not enforce their rights as free men could do. Well, sir, we admit that at present we cannot; the Government are welcome to derive such consolation as they may from that fact and to gloat over our helplessness. They are welcome to jubilate over their own shame. But however much we may be enfeebled in body, our soul, tormented as it is, has never been and will never be killed! Your much-boasted Reforms are not acceptable to us, and we shall not have them. We said so before

<sup>3</sup> Lord Birkenhead.

they came into operation. We refused to have anything to do with them when they were first put into operation. The Government replied by repression and oppression of an unprecedented magnitude. During the first period of the operation of the so-called Reforms, thousands of our best men were ruthlessly locked up in jails under various pretexts. They bore it all patiently and courageously. Then came the second period. Some of those who had abstained from coming into the Councils during the first period made up their minds to enter them when the second period began. This they did with the double object of testing the *bona fides* of the Government and showing their determination not to rest till they achieved what was their due. And what did they do? I, who was honoured by those who entered the Assembly by being elected as their Leader, began by making this humiliating confession to the House. What I said was<sup>4</sup> :

“We have come here to do something which we have not been doing so far. Sir, we have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here.”

I call this a humiliating confession advisedly and I wish I could convey to the House even a very faint idea of what I felt when I uttered those words. But the words were well-considered and carefully weighed before they were uttered. The humiliation involved was of my own seeking. I sought it and I got it. But the tragedy conveyed no lesson to the unfeeling stone hearts of the bureaucracy. They rejoiced at what they considered our weakness and tried to rub it in. But they failed to take note of the sentence which followed the one that I have just read. It runs thus :

“If you agree to have it,”

—referring to co-operation—

“we are your men. But if you do not, we shall like men stand upon our rights and continue to be non-co-operators.”

Sir, the co-operation we offered has been contemptuously rejected

<sup>4</sup> For further details, see 101-16, *supra*.



and it is time for us to think of other ways to achieve our object. I shall not trouble the House with the details of what followed. They must be fresh in the memory of Honourable Members. First came a departmental inquiry and then another, more or less public, which is known as the Muddiman Inquiry.<sup>5</sup> The last inquiry culminated in a majority and a minority report.<sup>6</sup> These reports have been the subject of consideration and important pronouncements by responsible Members of the Government, by the Secretary of State, the Governor-General and by my friend, the Honourable the Home Member. They have been fully discussed in this House and the Resolution of the 8th September last was the result of the deliberations by this House. Then, sir, we waited and waited. We were told from time to time that the matter was receiving the great consideration, the careful thought, that it deserved and that in the fulness of time the Secretary of State and the Governor-General would announce their final decisions. Now, up to the 21st of January last, my Honourable friend the Home Member, when he answered certain questions, was in the same waiting frame of mind. The question asked of him by Mr. Gaya Prasad<sup>7</sup> was:

“Will the Government kindly state what conclusions, if any, they have arrived at regarding the amendment passed by the Legislative Assembly on the 8th September 1925, on the Muddiman Committee Report? Have they sent any despatch to the Secretary of State for India; if so, when, and are the Government prepared to lay a copy of it on the table?”

There were other questions of the same kind. I have read one to show the nature of them all. I will now read the answer given by the Honourable the Home Member. He answered all these questions together. He said:

“As was stated by His Excellency the Governor-General in his valedictory speech on the occasion of the dissolution of the first Council of State, it was and remains the intention of the Government of India to formulate their conclusions on the debates in

<sup>5</sup> See footnote 1, XXI *supra*.      <sup>6</sup> *Ibid.*, also footnotes 2 and 3, XXI, *supra*.

<sup>7</sup> Refers to Starred Question No. 12, dt. 21st January, 1926.

—L.A.D., Vol. VII (1926), Part I, p. 23.

both Houses on the Reforms Inquiry Committee. No despatch to the Secretary of State has yet been issued, and though the subject has been discussed, the Government of India are not yet prepared to arrive at a decision on a matter of the greatest importance, on which it is essential that the Government should have ample time for the fullest consideration.”

Sir, this was in answer to the question which was asked as to what was being done on the Resolution passed by this House and the matter is here said to be “of the greatest importance on which it is essential that the Government should have ample time for the fullest consideration”. It would strike the ordinary reader, as it struck this House at the time, that the Government were not in the early stages of their consideration of this matter, this most important matter, and that the “ample time” that was required would extend to some months. But what do we find? In less than a month, the matter came up before the Council of State, and there a Swarajist Member, Seth Govind Das, moved an amendment to the Resolution of the Honourable Mr. Sethna asking for a Royal Commission earlier than at the time appointed in the Statute. The amendment of the Honourable Seth Govind Das was that action be taken by the Government on the Resolution of the Assembly at the earliest possible moment. Now, what was it that my friend, the Honourable the Home Member said in the House? I will only read one passage which is enough for my purposes. He said :

“On this amendment I am in a position to give the considered opinion of the Government of India.”

Remember the amendment was to take action under the Resolution<sup>8</sup> passed by the Assembly not only on the 18th of February 1924 but also that of the 8th September 1925<sup>9</sup>. On the 21st of January the Government were in deep meditation, engaged in consulting the

<sup>8</sup> Refers to the Resolution which contemplated the appointment of a Round Table Conference to examine the feasibility for grant of responsible self-Government.

—For details, *see* p. 101, *supra*.

<sup>9</sup> Relates to the recommendations of the Muddiman Committee.

—For details, *see* p. 252, *supra*.



members of the British Cabinet, and they did not know where they were. But on the 18th of February the mind of the Government was made up on this amendment which was none other than the Resolution passed by this Assembly. The Honourable the Home Member said:

“I am in a position to give the considered opinion of the Government of India. It was brought forward in September. We considered it then and we put forward the provisional opinion of the Government of India then. We have considered it since then and after the debates in both Chambers I have authority to say that the Government of India are unable to make any such recommendation to His Majesty’s Government in the terms of the amendment.”

Within this short period of less than a month, the Government of India came to the final conclusion on that Resolution. What they were unable to achieve in six months was accomplished in this period of less than a month. Can the answer given on the 21st January examined in the light of the statement made on the 18th of February, be called an honest one? Is it conceivable that the Government were absolutely blank on the 21st of January and some new light suddenly dawned upon them during the short interval between that date and the 18th February which enabled them to come to final decisions in the matter? And what were the decisions? They were the self-same decisions which under the name of provisional opinions had been announced from time to time by the Secretary of State and by the Governor-General and of which the key note was: “Co-operate with us fully and then we will consider what more we can do for you”. Sir, we are not children; and the Government know very well how far it is possible for this section of the House to go with them on the road to full co-operation. The late Mr. C. R. Das offered generous terms for honourable co-operation.<sup>10</sup> Government rejected them. And what was it that we have been doing in this House? I say that it amounts to the fullest co-operation that we Swarajists are capable of under existing

<sup>10</sup> Reference is to his offer which he made in his celebrated Faridpore speech, delivered on 2nd May, 1925.

—For details, *see* footnote 7, XXXVI, *infra*.

conditions. The reports of the proceedings of the House and of its Committees will amply bear out what I am saying. Sir, we strained our capacity to co-operate to the breaking point. But none so blind as those who will not see; not that they could not see; they saw that no more was possible and yet in the utterances to which I have referred more and more was expected. We were threatened that, unless it was the fullest co-operation in the sense of working all the details of these Reforms without any demur, and doing as the Government told us to do, unless we put ourselves in that submissive frame of mind, nothing further would be done for us. Have the Government done anything to deserve the full co-operation they demand? A measure of co-operation however small, was admittedly given even by this section of the House to the Government. This has been acknowledged in the utterances I have referred to but it was taken only as a sign of better things to come—more co-operation to come. What the Government have done to deserve it is that they have repeatedly flouted the opinions of this House, the considered Resolutions of this House, the Bills that were passed by great majorities in this House. They have passed laws by certification which have been aptly described as lawless laws. This is what they have done. This Assembly came into being just before the Labour Government came into power. What was the first fruit of it? An Ordinance<sup>11</sup> was passed shutting up some of the noblest sons of India without trial in jails. This House passed a motion of adjournment only the other day in which attention was called to the ill-treatment, the cruel treatment to which the detenus were subjected.<sup>12</sup>

*An Honourable Member on the Government Benches:* Question?

*Pandit Motilal Nehru:* If that is questioned, then I say that nothing will appeal to the Government Benches. What was the meaning of the extract read in this House from the evidence which Colonel Mulvany gave before the Jails Committee?<sup>13</sup>

<sup>11</sup> Refers to Bengal Criminal Law Amendment Ordinance.

—See p. 196, *supra*.

<sup>12</sup> For details, see L.A.D. Vol. III (1926), Part II, pp. 1851-72.

<sup>13</sup> In the course of his speech on the Adjournment motion, Mr. T. C. Goswamy, read some extracts from the evidence tendered by Lt. Col. Mulvany before the Indian Jails Committee. Col. Mulvany says :

“I have been in charge of one or the other of the Calcutta Jails since the very beginning of the anarchical movement and I have had perhaps more to do with the imprisonment of political prisoners than any jail officer in India. And



*Honourable Sir Basil Blackett:* That did not explain why they went on hunger-strike. We did not know.

*Pandit Motilal Nehru:* Why, because every man is judged by his antecedents and we know your antecedents. These antecedents have been described by your own countryman, a countryman against whom you cannot possibly say that he has not told the truth. Has Colonel Mulvany stated or not stated the truth? Was he a liar?

*An Honourable Member on the Government Benches:* Yes.

*Lala Lajpat Rai:* And you are not!

*An Honourable Member:* Who is the liar?

*Pandit Motilal Nehru:* Was the person who suggested a lying report to Colonel Mulvany a lesser liar or greater liar than he was according to you? Is that not a fact? Have you had the courage to deny that Colonel Mulvany was instructed to send a lying and perjured report?<sup>14</sup> There are those instructions in black and white and you now, behind the back of an Englishman, your own countryman, have the audacity to say that he is a liar. I know that in order

I say deliberately and with full consciousness of the serious nature of my statement that not only was the confinement to which these men were subjected positively inhuman, but that, in fact misleading reports were deliberately submitted to the Government.

"I feel very strongly on this point and I write under the greatest restraint, for I consider that the share I was compelled to accept in this painful business was and is a disgrace which can never be obliterated. And I cannot say less than that my feelings were outraged by the cruelty of the treatment I was ordered and expected to carry out.

"...the degree of confinement to which they were subjected was so severe as to be liable to injure their health, that the confinement was more stringently solitary than any solitary confinement imposed under the Prisons Act or under Jail regulations—both of which were limited strictly to seven days. I submitted this report deliberately with intent to force a crisis which must result either in my removal (which I did not anticipate) or in some amelioration of the cruelties I was ordered to inflict."

—L.A.D. Vol. VII (1927), Part II, p. 1853.

<sup>14</sup> According to Mr. T. C. Goswami, Col. W. Buchanan, the Inspector-General of Police, wrote a letter to Lt. Col. Mulvany asking him to reconsider his report. Col. Buchanan said :

"Please reconsider this letter. Remember it has to go to Simla, and it will rouse the Olympian wrath. The degree of solitary confinement is dictated to us by the Police. I think you might so far report that the prisoners are in solitary confinement and are permitted to exercise daily and that both are cheerful and the health of neither has suffered; or words to that effect."

—*Ibid*, pp. 1853-4.

to maintain your grip on this country you will do anything, you will go to any length; you will even desert your own countryman.

Now, what are the other favours bestowed by you upon India? There was first the Lee Loot.<sup>15</sup> After taking the Lee loot, you gave some eye washes. An announcement was made the other day by His Excellency the Commander-in-Chief of a Royal Indian Navy.<sup>16</sup> It seemed indeed to be something very grand to have the Royal Indian Navy that was coming to us even before our right of entering the Army was conceded, even before the Skeen Committee<sup>17</sup> succeeded in exploring avenues for the supply of ten men from the whole length and breadth of India to fill ten vacancies not in the Commissioned ranks, but for training at Sandhurst; they were hard put to find these ten men; but they find no difficulty in making an announcement that India is to have a Royal Navy of its own. Well, yes; just as India has an Army of its own; and when you look at the terms of the announcement and work it all out, God only knows whether within a hundred years we will have even a tenth part of that Navy manned by Indians. That is the announcement.

Then there is the Royal Commission on Agriculture. A very tempting announcement indeed. In a country which has agriculture as its staple industry, and depends solely upon it, anything to improve the industry would be welcome news to all classes of the public. Of course, the Commission is coming. We shall know what good it will do when it has come and gone; but we know enough from the reservation of matters which are not to be within its jurisdiction to foresee that it is not to be anything very grand or a thing which will carry us very far.

Sir, I do not propose to go into other matters. They have been

<sup>15</sup> Refers to the Report of the Royal Commission on Superior Civil Services in India.

—For details, *see* p. 159, *supra*.

<sup>16</sup> The announcement made by His Excellency the Commander-in-Chief in regard to the Indian Navy was :

“That His Majesty’s Government have, subject to the undertaking of the necessary legislation on the subject, agreed to the reconstitution of the Royal Indian Marine on a combatant basis to enable India to take the first step towards providing for her own naval defence in the future.”

—L.A.D., Vol. VII (1927), Part I, p. 973.

<sup>17</sup> *See* footnote 1, XXVIII, *infra*.



fully discussed on the floor of this House. I do not wish to exhaust the list of the grievances of the public or of the wrongs inflicted by the Government. They are all to be found in the reports of the debates in this House and are public property, but I should like to call attention to one passage in the statement which was made by Lord Birkenhead in the House of Lords,<sup>18</sup> the famous statement on the Reforms. That statement has been fully discussed on the floor of this House,<sup>19</sup> and quoted from in the speeches of the Governor-General delivered from time to time, and His Excellency's inaugural addresses in this Assembly and in the Council of State. I do not wish to comment on those speeches to-day, but I do wish to notice this remarkable passage occurring in the speech of Lord Birkenhead. He says:

“We shall not be diverted from its high obligations”

—High obligations of what? Of the Preamble to the Act—

“We shall not be diverted from its high obligations by the tactics of restless impatience. The door of acceleration is not open to menace; still less can it be stormed by violence”.

Now, it is all very well for Lord Birkenhead to have thundered forth those words, and for the Benches opposite to applaud them and shout “hear, hear”, but who in the world ever tried to accelerate reforms by menace, by threat or by violence? You will say there are criminal conspiracies, secret conspiracies and secret societies. Surely when Lord Birkenhead made that statement he was making it on the demand by this House, and can it by any stretch of reasoning be said that that demand was accompanied by any kind of threat or menace? As for the existence of anarchical societies, I do not feel it necessary to go into that question to-day. I have gone into that question fully, and I only warn you that if you do not take care, you will find the whole country from end to end honeycombed by these anarchical societies.

Sir, violence of any sort, as you know, so far as my Party is con-

<sup>18</sup> Reference is to his statement in the House of Lords on 7th July, 1925.

<sup>19</sup> Discussed on 7th September, 1925, in the course of the debate on the Muddiman Committee's recommendations.

cerned, does not enter our ethics. We resort to no menace or threat. We know the great power that this Government wield. We know our own weaknesses. We know that in the present state of the country, rent as it is by communal discord and dissensions, civil disobedience, our only possible weapon, is not available to us at present. But we know also that it is equally unavailing to us to remain in this Legislature and in the other Legislatures of the country any longer. We go out to-day not with the object of overthrowing this mighty Empire. We know we cannot do so even if we wished it. We go out in all humility with the confession of our failure to achieve our object in this House on our lips. We should indeed have done so much earlier, but the superior diplomacy and tactics of the Government put us off from day to day. We never believed in their professions, but we did not wish to put ourselves in the wrong, and we waited till a clear answer to our demand was forthcoming. It has now come clear and crisp from my Honourable friend the Home Member. There is no more use for us here. We go into the country to seek the suffrage of the electorates once more. We do not give up the fight. We fully agree in the sentiment contained in the lines misquoted by Lord Birkenhead in the statement to which I have just referred. They are quite apposite but not in the sense in which Lord Birkenhead used them. They run thus:

“He either fears his fate too much  
Or his deserts are small;  
Who dares not put it to the touch  
To win or lose it all.”

We have no misgivings either about our fate or our deserts, and we go forth into the country to put it to the touch to win or to lose it all. We feel that we have no further use for these sham institutions, and the least we can do to vindicate the honour and self-respect of the nation is to get out of them and go back to the country for work. In the country we will try to devise those sanctions which alone can compel any Government to grant the demands of the people. We hope and trust that the nation will send us again in large numbers with a stronger mandate, and, God willing, with the sanction for fulfilling its aspirations and enforcing its com-



mands. These are the few remarks, sir, that I wished to make in order to make the position of the Swaraj Party clear.

I now beg your permission to withdraw, and I call upon all Swarajist Members of this House to follow me.

## Right of a Member\*

*Moving his adjournment motion regarding the attendance of Mr. Satyendra Chandra Mitra at meetings of the Legislative Assembly, on 21st January, 1927.*

Sir, I beg to move the adjournment of the House on a definite matter of urgent public importance. You have already read the motion. It concerns one Mr. Satyendra Chandra Mitra, an elected Member of this House, who was elected unopposed and who is now under detention under the Bengal Criminal Law Amendment Act.<sup>1</sup> The motion calls attention to the conduct of the Government in preventing Mr. Satyendra Chandra Mitra from attending to his duties as a Member of this House and thereby seriously infringing the privileges of this House and depriving the constituency<sup>2</sup> which elected him of its right to be represented in this House.

The larger question of the release of this prisoner or others of the same class is not before the House nor is there any question of the repeal or amendment of the law, the so-called law under which they are detained, before this House. The gravity of the situation

\* On the 21st of January, the House met in an atmosphere of some excitement when adjournment motion of Pandit Motilal Nehru to raise the question of Mr. S.C. Mitra, a detenu, was discussed. The motion was held in order by the President and as no objection was taken, leave was granted and discussion took place immediately after the conclusion of the normal business of the House.

<sup>1</sup> The object of this Act was the continuance of the Bengal Criminal Law Amendment Ordinance which was promulgated on 25th October, 1924. The Act empowered the Commissioners to try persons for offences other than those for which they had been sent up and to grant pardon to approvers. It empowered the local Government to treat suspects as under the Bengal Regulation III. The Act also empowered the Government to direct any police officer or other officers of the Government to arrest any person or search any place without trial.

It was stated by the public and the press that this enactment was as a result of an arbitrary exercise of autocratic power against the expressed wishes of the elected Members of the legislatures. A large number of peaceful public workers of Bengal were arrested and imprisoned without the formulation of definite charges and without open trial.

<sup>2</sup> Rajshahi and Chittagong.



to which the motion calls attention arises from the fact that the detention of this gentleman constitutes a very serious encroachment on the privileges of this House<sup>3</sup> and on the right not only of the member himself but of the constituency which has unanimously elected him.

The facts are very simple and I should like to state them briefly for the information of the House. Mr. Satyendra Chandra Mitra was an elected Member of the Bengal Legislative Council when he

<sup>3</sup> The Government of India Act provides by Section 64 that :

“Subject to the provisions of this Act, provision may be made by Rules under this Act as to—

\* \* \*

(c) the qualification of electors;

(d) the qualifications for being nominated or elected as Members of the Council of State or the Legislative Assembly.”

Under these provisions, rules were framed laying down the qualifications and disqualifications for membership of either of the two Houses. Rule 5 of Part II of the Electoral Rules laid down the general qualifications for being elected, which read as:

“A person shall not be eligible for election as a member of the Legislative Assembly if such a person

is not a British subject; or

is a female; or

having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

have been adjudged by a competent court to be of unsound mind; or

is under 25 years of age; or

is an undischarged insolvent; or

being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part.”

One fails to read in these rules and these disqualifications the disqualification of having been interned under an Ordinance such as the one under which Mr. Mitra was prevented from taking his seat in the Assembly.

Mr. Mitra was, however, prevented from taking his seat in the House by the Governor-General, under Section 129A of the Government of India Act which provides :

“Where any matter is required to be prescribed or regulated by rules under this Act, and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council with the sanction of the Secretary of State in Council and shall not be subject to repeal or alteration by the Indian Legislature or by any local Legislature.”

was arrested under the Bengal Ordinance No. 1 of 1925<sup>4</sup> and Regulation III of 1818.<sup>5</sup> Thereafter the Bengal Criminal Law Amendment Act was passed and he was detained under that Act. Now it will be observed that in arresting Mr. Satyendra Chandra Mitra the Executive were guilty of a double wrong—a wrong to the Member by infringement of his rights, and a wrong to the constituency which elected him. The latter wrong, I mean the one against the constituency, was attempted by His Excellency the Governor of Bengal<sup>6</sup> to be redressed in a particular way. The method which was determined upon by His Excellency the Governor shows an ingenuity and originality which beats the record of the bureaucracy for their special genius for suppression and oppression. His Excellency acting under the rule which gives him power to direct that a seat has become vacant for the reason that a Member has not been able to attend to his duties for two consecutive months issued a notification that the seat of Mr. Satyendra Chandra Mitra had become vacant. Now, sir, what is the simple meaning of it? Here is a man duly elected by his constituency, who was actually representing the constituency in the House. He was deliberately disabled by executive order from attending. Not that he is unable to attend for personal reasons, but was disabled by force from attending to his duties and the consequences of the inability thus brought about were visited upon him by the notification that his seat was vacated. You tie down a man's hand and foot and then beat him for not being able to move; that is what it comes to, and that is what really happened. Thereafter, this particular constituency went unrepresented in the Bengal Council for the rest of the life of that Council. In course of time the general elections came round and Mr. Satyendra Chandra Mitra offered himself as a candidate for election to the Assembly. He was again returned unanimously, *i.e.*, unopposed, to

<sup>4</sup> See footnote 1, *supra*.

<sup>5</sup> The Preamble to Regulation III of 1818 reads as under:

“Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the reservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings, or when, . . .”

<sup>6</sup> Lord Lytton.



the Assembly. He was gazetted as a duly and properly elected Member of the Assembly. He received a summons of His Excellency the Governor-General<sup>7</sup> to attend the Assembly. He received another summons of His Excellency the Governor-General to attend and hear his inaugural address on the 24th instant, which is to come. Thereupon he applied to his custodians to give him an opportunity to accept the very generous invitation which was extended to him but was refused permission.

Now, sir, we are meeting here to-day without this gentleman for no fault of his and for no fault of the Governor-General either. His Excellency has duly invited him but there are others who prevent him from coming out. Upon those facts what is the position? It is quite clear to me but my Honourable friend the Home Member does not look upon it in such a simple way as I do and I can anticipate his presently rising in his seat and shaking his fist at me and telling me "How dare I say that this man, a dangerous anarchist, should be admitted into the honourable company of this House. He has been dealt with under law of the land". This particular law is known more as a lawless law than anything else. But he will rely upon it and say that it is none the less the law of the land. He will say "When a man has been dealt with under the law and detained by competent authority, what right has any one to interfere with it". Now, sir, my answer to that is a very simple one. I say that this man has not been tried. He has not been convicted. He has not been sentenced by any court and, therefore, he has every right to attend to his duties, by answering the summons he has received, unless my friend the Honourable the Home Member is able to point out to me any authority, which I challenge him to do if he can, precluding him from attending to his duties. Sir, this is really imposing a disqualification upon a duly elected Member which does not exist under the law.<sup>8</sup> Of course, it was open to the powers that be to make it a disqualification for seeking election, but luckily up to this moment, it has not occurred to them to do so.

Now, the Government have not had the courage to put this man on his trial. They have not taken upon themselves to make it a disqualification. The man is kept in custody no doubt, but is there anything in any law in the world that the mere fact of a man being

<sup>7</sup> Lord Edward Frederick Lindleywood, Baron Irwin later Marquis of Halifax.

<sup>8</sup> See footnote 3, *supra*.

forcibly detained in custody not by an order of the court, nor after a conviction, dis-entitles him from performing the duties of his office? Imagine for a moment such a case arising in England. What would have happened?<sup>9</sup> I will read the law as crystallised in *Halsbury's Laws of England*, Volume 21, Article 1468:

“Whilst Parliament is sitting, and during the time within which the privilege of Parliament extends no peer or member of the House of Commons may be imprisoned or restrained without the order or sentence of the House of Lords or the Commons as the case may be, unless it be for treason or felony, or for refusing to give security for the peace.”

Now, that may comprehensively be described by saying unless he is convicted of a criminal offence. I will make it as general as that. Now in the case of the House of Commons, it has been held that a member cannot be arrested for a period of 40 days before and after the meeting of Parliament.<sup>10</sup> It has always been held that

<sup>9</sup> Home Member, Sir Alexander Muddiman stated in this connection that had this happened in England the same would have been the consequences as that of Mr. Mitra. To support his argument he cited the cases of Messrs. Dillon, Parnell and others, which happened in 1881.

“They were held under the Protection of Persons and Property Act, 1881, and it was never suggested that this was a breach of privilege of the House. What that Act did was to require that a report should be sent to the House of Parliament concerned if a member were detained under its provisions. I will read to you the Section :

‘If any member of either House of Parliament be arrested under this Act the fact shall be immediately communicated to the House of which he is a member, if Parliament be sitting at the time, or if Parliament be not sitting, then immediately after Parliament reassembled, in like manner as if he were arrested on a criminal charge.’ ”

—L.A.D., Vol. I (1927), p. 23.

<sup>10</sup> *May's Parliamentary Practice* provides as follows, in regard to the freedom of the Members of the House of Commons from being arrested for 40 days before and after the dissolution of Parliament :

“It is stated by Blackstone and others, and has been the general opinion (founded, probably, upon the ancient law and customs, by which writs of summons for a Parliament were always issued at least 40 days before its appointed meeting), that the privilege of freedom from arrest remains with a member of the House of Commons ‘for forty days after every prerogation



a member is immune from arrest for a period of 40 days even after the dissolution of Parliament of which he is a member. A member who is in custody at the time of his election to Parliament—that is the case in point—is liberated upon his election in virtue of privilege unless he is undergoing a term of imprisonment, for an indictable offence or for a criminal contempt of court. That is the common law of England. And what is the procedure prescribed if a man so detained is not liberated after his election? That you will find in the same book in Article 1483.<sup>11</sup> The procedure with which the two Houses enforce the due observance of the privileges and punish any breach of them is practically the same. When any alleged breach of privilege is reported to either House, it is the practice of the House whose privileges had been attacked to send for the offender to answer the charge of contempt. Now, sir, if this case had happened in England, His Excellency the Governor of Bengal and all others who are concerned in detaining this man would to-day have found themselves in a very uncomfortable position at the bar of the House of Commons. But it may be said that India is not England and that this Assembly is not Parliament. We may, for our own purposes, choose to dignify it into a Parliament on certain occasions but it really is nothing of the kind and, therefore, there is no comparison. I quite agree. I do believe and I am perfectly certain that there is no analogy between the House of Commons and this House but so long as it is allowed to retain the merest

and 40 days after the next appointed meetings'; and this extent of privilege has been allowed by the courts of law, on the ground of usage and universal opinion. Thus in the case of a member who had been, by a judge's order, allowed his privilege, extending to forty days, the chief baron, on a motion for rescinding the order, maintained the privilege, and stated as the judgement of the Court that 'the period of forty days before and after the meeting of Parliament' has for about two centuries, at least, been considered either a convenient time or the actual time to be allowed.' Such has been the usage, the universally prevailing opinion on the subject, and such we think, is the law."

—13th edition, 1924, pp. 115-7.

<sup>11</sup> Article 1483 of *Halsbury's Laws of England* provides as under :

"The procedure with which the two Houses enforce a due observance of their privileges and punish any breach of them is practically the same.

"When any breach of its privileges is reported to either House it is the practice of the House whose privileges have been attacked to send for the offender to answer the charge of contempt."

pretence of what it is alleged to be I maintain that it is the inherent right of every member of a representative institution to be present at its meeting to represent his constituents. That right is, I submit, inseparable from the very nature of the institution. It has nothing to do either with any particular House or the privileges of that particular House. True it is that the privileges of the House of Commons have been built up by long conventions but, unless we make an early beginning, I do not think we will be able to build them up. There are only two things upon which the privileges of the House of Commons are based. There is the convention established by immemorial custom and certain privileges have been sanctioned by Statute. Nothing known as privileges of the House does exist in this country. It is up to us to lay the foundation of a convention to-day because it is the inherent right of every such institution as ours is to have its own conventions.

*Mr. President:*<sup>12</sup> I do not wish to interrupt the Honourable Member, but I would remind him of the time limit.

*Pandit Motilal Nehru:* I hope I have two or three minutes more. As the time at my disposal is running out, I shall not labour this point but I will say that in this present instance the Government itself and His Excellency the Governor-General have fully recognised the right. If they did not, why were these summonses and invitations sent? I will again remind the House that there is no question on the motion relating to the legality or otherwise of the Ordinance or of the arrest or of the detention or of release for all purposes. The present motion only relates to the disability which has been imposed upon a Member of this House. Now, Section 11 of the Act under which he is under detention is important and I wish to point out that that Section also treats the case as that of a suspect, not of a criminal,<sup>13</sup> not of one who has been found guilty of any offence.

<sup>12</sup> Mr. V. J. Patel.

<sup>13</sup> Section 11 of the Bengal Criminal Law Amendment Act provides that,

- I. when in the opinion of the local Government there are reasonable grounds for believing that any person,
  - i. has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908;
  - ii. has committed, is committing or is about to commit any offence specified in the Second Schedule

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That being so, I submit that it is not a case of a criminal character at all—much less a conviction under the criminal law—which alone is expected under the practice in England. What after all will happen if Mr. Mitra is allowed to attend? I cannot conceive that the enormous resources of the British Empire will prove inadequate to secure peaceful residence for this man in Delhi and his peaceful attendance in this Chamber while we are in Session.

Before I resume my seat I should like to remind the House of what happened only the other day. His Excellency in opening these buildings, called the buildings of Parliament of India, was pleased to read a gracious message from the King-Emperor, and the concluding part of that message ran as follows:

“I earnestly pray that in the Council House now to be opened wisdom and justice may find their dwelling place and that God’s blessing may rest on all those who may henceforth serve India within its walls.”

I put it, sir, to the Treasury Benches and to my European colleagues in this House whether they will be helping to keep wisdom and justice in their dwelling place in this House if they vote down this motion and declare to the world their impotence to protect themselves and the honour of this House when it is attacked in this way. I hope and trust, sir, that we who are here to serve our constituents, will not neglect our primary duty to them. The best judges and the only judges of their representatives are their electors. The electorate has given its verdict and I hope that this House will not trample underfoot that verdict which is the very foundation of our own right to be here. With these words, sir, I commend my motion to the House.

PANDIT MOTILAL NEHRU REPLIED TO THE DEBATE AS FOLLOWS :

Sir, I think my friend the Honourable the Home Member has been sufficiently answered by the speeches which followed his. I have only to point out one thing more. We have been reminded of the nature of these detentions and arrests. Now what is it?

- iii. shall be committed to custody in jail; and may at any time add to, amend, vary or rescind any order made under this Act.

As I said in my opening remarks, you cannot put it any higher than this, that these good people are suspected by the bureaucracy of being very dangerous people. Well, what are you afraid of? They are suspected of being anarchists. Now, I ask you and I ask the Honourable the Home Member to consider for a moment what is it that I am asking on behalf of Mr. Satyendra Chandra Mitra. What I am asking on his behalf is the opportunity for him to come here to take the oath of allegiance to His Majesty the King Emperor. That is what he is asking for and that is what permission is not given to him to do. The man who comes to this Assembly must perforce take the oath. Does that go for nothing, and are we to attach a larger meaning to a verbal assurance to Lord Lytton that the man will not engage in political crime? Sir, if I may say so, it means nothing but pure vanity. Because His Excellency would not rest content until he has come down on his knees before him he must not be allowed to take the oath of allegiance. This is an additional reason which I lay before the House, and I submit for its consideration that it is almost conclusive. But that again is going into the merits of the question. I say that apart from the merits, whatever the man may be, you may take such precautions, you may make such arrangements as you like, but surely he can be allowed to exercise his right under proper safeguards. Whatever you may think of the man—he may be a very dangerous man indeed—as I have said, surely the resources of the British Empire are not so inadequate as not to be sufficient to cope with any situation. What does it mean, what do I ask for him? Only liberty to come and reside in Delhi while the House is in Session to attend the meetings of this House to represent his constituents. Indeed I am fully entitled to ask that he be released for all purposes, but I have limited my motion and, as my Honourable friend Pandit Madan Mohan Malaviya has pointed out, it is confined to asking for the freedom of movement for a number of days<sup>14</sup> whether it is 40 or 30 days I cannot take it

<sup>14</sup> Referring to the privilege enjoyed by the Members of the House of Commons in regard to the freedom from arrest, Pandit Madan Mohan Malaviya stated :

“The privilege... is based upon the identical consideration that Parliament being the supreme legislative assembly in the United Kingdom and laws made by it must be binding upon every servant of the Crown, and that any member who has the privilege of being a member of that assembly and thereby contributing his share to the making of laws must be assumed by virtue of that



upon myself to fix—before the commencement of a Session and a similar number of days after the close of the Session in order to enable him fully to discharge his duties.

With these few words, sir, I commend my motion to the House, and I hope it will be unanimously adopted, at least by the non-official section of the House.

[The motion was adopted]

fact alone to be beyond the reach of any arrest 40 days before the meeting of the assembly, and while the Assembly is sitting, and 40 days thereafter... that is one privilege which every Legislative Assembly in every civilised country must enjoy."

—L.A.D. (1927) *op. cit.* p. 35.

## Working of the Railway Board

*Speech delivered in support of Mr. S. Srinivasa Iyengar's  
cut motion\* regarding the Railway Board Budget on  
23rd February, 1927.*

Sir, I rise at an early stage of the debate more for the purpose of disillusioning my friend Mr. Cocke and others who perhaps share the same opinion with him. He was not sure whether the motion was moved by my Honourable friend Mr. Srinivasa Iyengar seriously or in a light-hearted way. Now, sir, if the meaning and purport of a motion is to be judged by the language which is employed, if it is to be judged by the manner in which it is urged, then I say there could be no reasonable doubt in the mind of any one who is inclined to take a serious view of the subject about the sincerity and seriousness of the speaker. Apart from that, the subjects which he has touched upon are subjects which, as my friend the Honourable Mr. Cocke will come to know by and by, are by no means a bouquet of flowers for the Railway Board.<sup>1</sup> They will very soon feel rather scared by them.

*An Honourable Member:* They don't.

\* Mr. S. Srinivasa Iyengar's motion was :

"That the demand under the head 'Railway Board' be reduced by Rs. 9,42,900".

There were two previous occasions when similar motions were moved in the Assembly. First, on 26th February, 1925, Pandit Motilal Nehru moved to omit the Railway Grant. That motion was lost on that occasion, but a token cut of Rs. 100 was adopted by the House on the ground that their grievances were connected with the Railway Board. Then on 23rd February, 1926, Mr. Jamnadas Mehta made the same motion. That motion, after a full discussion, was carried.

<sup>1</sup> Mr. Iyengar, in moving his motion, said that the Railway Board was as supreme as the Government of India and had its revenue and expenditure in the same proportion as the general budget. The Railway Board was an irresponsible body. First class appointments, like those of the Chief Commissioner and Members of the Railway Board were made without reference to the Assembly. He recalled that it was an integral part of the Convention that Indianisation should be proceeded apace and Indians should be appointed to the Railway Board.

—L.A.D., Vol. II (1927), p. 1198.



*Pandit Motilal Nehru:* Well, let me examine how far they are impenetrable to good feelings. At any rate the House will feel it and that is all I care for.

The Honourable Mr. Cocke said: "What is the use of talking of Indian members. We want the best men". I suppose by that we are to take it that the persons whom we have got now are the best possible men that you could get. And, sir, what is the surest test of it? To see what they have done. Have they done anything which entitles them even to the compliment of being average business men who know anything about their business? I shall in a moment satisfy the House. I may be unable to satisfy the Benches opposite, but I am perfectly certain that I shall satisfy the greater part of the House and specially this side of the House that the one thing in which the Railway Board have distinguished themselves is utter incompetence and gross negligence and I propose to establish that. I will only take one point in the railway administration or mal-administration as it should be properly called. Yesterday we were engaged in the general discussion of the Railway Board. In the course of that many sins of omission and commission on the part of the Railway Board were brought to the notice of the House. To-day in the course of this debate and the debate on the various Demands, I am sure further sins of omission and commission will be brought out, but the one which had only been noticed in passing by the Honourable Mr. Srinivasa Iyengar, namely, that relating to the surplus of wagons now on hand,<sup>2</sup> beats all others. What are the facts? I see my Honourable friend Sir Clement Hindley smiling at that remark.

Well, sir, before I demonstrate the inefficiency of the Railway Board, let me dispose of a few preliminary things that have been

<sup>2</sup> Referring to the answer given in response to Starred Question No. 127 on 31st January 1927 in the Legislative Assembly, Mr. Srinivasa Iyengar stated:

"While on the one hand they have been spending 60 to 75 crores during the last 5 years in the improvement of marshalling yards and terminal facilities, the reduction of idle hours of wagons and reduction by doubling of tracts and adoption of new rails and strengthening of tracts and bridges enabling the carrying capacity of vehicles to be increased, it appears that while they spent 60 to 75 crores during the last 5 years, we find that as a matter of fact, on the other hand, they have gone in for a surplus of 30,000 wagons. This shows the grossest extravagance."

—*Ibid.*, p. 1203.

said. Let me dispose of my friend Maulvi Muhammad Yakub whom I may forget in the heat of the argument later on. He has given an early indication of the inclination of his own mind to the House. He says: "I am going to vote against this motion and I do not want to keep it a secret from the House why I am going to do so." He agrees in the complaints, in the existence of grievances, but he adopts what, no doubt according to him, is the more statesman-like course of not objecting to the whole Grant but of concentrating attention upon the grievances on a minor Grant. He says "If you go on like this, it becomes an annual fixture like the flower show". But may I ask, if we go on year after year making small cuts, half a dozen cuts or two dozen cuts, bringing out grievance by grievance and deducting Rs. 100, what would that be? Would it not be as annual a show as this is? If we lend ourselves to such childish display, that would be a Punch and Judy show and nothing else. Now, the serious argument—and it is a wonder to me that Honourable Members can seriously entertain such ideas—the very serious argument which was very much applauded on that side of the House was, what is the use of inviting certification by His Excellency the Governor-General? You know that if you cut the whole of this Demand it is bound to be certified. Well, what of that? Are we to regulate our reason, are we to regulate our argument, are we to regulate our action in this House as representatives of the people, by what His Excellency the Governor-General might be pleased to do or not to do? Are we not here seriously to put forward the grievances of those whom we represent irrespective of what my friend Colonel Crawford or anybody else might think or might do?

*Colonel J. D. Crawford:* I agree with you.

*Pandit Motilal Nehru:* If my friend's argument is pursued to its logical conclusion what will be the result? The Government may come year after year with the most grotesque demands and my friends will say, "Oh, don't cut them down, otherwise they will be certified by His Excellency". And therefore, the feat of certification must keep you back from speaking out your mind. Sir, I do not subscribe to that doctrine. I am rather for speaking out boldly and openly and I say here that the Railway Board is not entitled to a farthing of this Demand. Then there was another remark made by my friend the Honourable Mr. Cocke. He said, "Why has he retained the hundred rupees? Does the Honourable



Mr. Srinivasa Iyengar expect Indian Members of the Board to serve on a hundred rupees?" No sir, I do not know which to admire most, the inability of my friend the Honourable Mr. Cocke to understand whether my friend Mr. Srinivasa Iyengar was serious or not, or his great penetration of judgement and his great understanding of the rules under which cuts are made. He is under the impression that we who ask for the omission of a Demand—because it is tantamount to the omission of the Demand—must be prepared to find four or five members of the Railway Board to serve the country for nothing. That would be the logical end of the argument. Nothing of the kind. What we say is this, that the present Railway Board and the present railway administration is so unsatisfactory that the only way to censure it properly is to cut down the whole of the allowance under that head, because that is the most effective way, the most clear way in which we can signify our disapproval and our dissatisfaction.

Now with these few remarks upon the things that were said quite apart from the main point, I come to the one point upon which I beg to call the attention of this House. It was touched upon by my friend Mr. Srinivasa Iyengar, but, of course, he had to deal with a large number of points and I think it is necessary for me to supplement his remarks upon that particular point because the House will not be able exactly to comprehend the enormity of the offence—I call it offence advisedly—of the Railway Board in the matter of wagons. Sir, until yesterday it was an admitted fact that there were 30,000 wagons for which there was no use.

*Mr. H. G. Cocke:* No immediate use.

*Pandit Motilal Nehru:* That is an improvement by the Honourable Mr. Cocke. What was said was that there was no use for them during the monsoon months, which have gone now and there is no question of immediate use in that. What was said yesterday was that for years—that fact is admitted—it had been felt that there was surplus, and in order to make that point clear—I shall refer to the answer given by the Honourable Mr. Parsons<sup>3</sup> to the question put by Mr. Kelkar on the 31st of January. The question<sup>4</sup> was:

<sup>3</sup> Financial Commissioner, Railways.

<sup>4</sup> Refers to Starred Question, *op. cit.*

“Will the Government be pleased to explain how they came to have a surplus of 30,000 wagons as mentioned by Sir Clement Hindley in his evidence before the Royal Commission on Agriculture?”

The answer of the Honourable Mr. Parsons was:

“The information given by Sir Clement Hindley to the Royal Commission in October, 1926. . .”

—in October, I stress that—

“was that there was no foundation for a complaint of shortage of wagons inasmuch as owing to improved methods of working there had been something like 30,000 wagons more than the number required for working the traffic for the previous three months.”

*The Honourable Sir Charles Innes*<sup>5</sup>: The monsoon season.

*Pandit Motilal Nehru*: I am coming to that. The genius of Sir Charles Innes has discovered that the three months previous to October are the monsoon months:

“The number, of course, fluctuates from day to day, and it was not suggested that there will always be this number of wagons in excess of daily requirements. Apart from a falling off in traffic, the surplus is due to improvements made in the working of railways and also to additional facilities provided during the past few years.”

The past few years! Then he gives us the main factors which have contributed to the surplus. Now this answer was given long after the monsoon had come and gone. We do not find in that list of factors given here that the monsoon also had some part to play in the matter of this surplus. But, of course, as I have said, that discovery was made only yesterday because the three months previous to October, 1926, were, as we all know, monsoon months.<sup>6</sup>

<sup>5</sup> Member of Commerce and Railways.

<sup>6</sup> Referring to the reasons contributing to the surplus of railway wagons,



Now, sir, what was the modification given yesterday? What was the alteration in the answer? It was said that that was due to the monsoon, and that now all but about 5,000 wagons are in use. Now, sir, that I take at the very lowest as an admission that in this busy season there are 5,000 wagons standing idle in the yards, and, therefore, that at the very least there is a surplus of 5,000 wagons. In answer to a question put by Mr. Kelkar on the same day it was stated that the cost was Rs. 5,170 per wagon. Now, taking it roughly at Rs. 5,000 per wagon the surplus of 5,000 wagons means two and half crores of rupees sunk and gone to the bad.

*Several Honourable Members:* No, no.

*Pandit Motilal Nehru:* I do not understand. If my arithmetic is all right, I am all right. I say, sir, that two and a half crores have been thrown away. I mean 5,000 wagons—Rs.  $2\frac{1}{2}$  crores— $2\frac{1}{2}$  crores of rupees which they could have done without spending; at the very least I can put it at that.

There were some observations made yesterday on this side of the House as to the lowest wages that were allowed to Indian workmen, and my friend, the Honourable Mr. Prakasam, took some pains to compare those wages with those prevailing in other countries.<sup>7</sup> The answer which my Honourable friend, Sir Charles

Sir Charles Innes stated in the Course of his speech on the General discussion of the Railway Budget on 22nd February, 1927 that :

“In the monsoon months our trade drops and we always have a large number of wagons standing idle. In the busier months of the year naturally the number of wagons stabled becomes very much less and though it is a fact that during three months of last year we had 30,000 wagons stabled now we have got nothing like that number idle. I imagine the number of wagons out of use at the present moment is not more than 5 or 6 thousand, this being the busiest time of the year.”

—L.A.D., (1927) *op. cit.*, p. 1187.

<sup>7</sup> Mr. T. Prakasam, was of the view that Indian workers were the lowest paid in the whole world. In support of his statement he compared the wages paid to Indians *vis-a-vis* in other countries.

“The minimum wage is given (to Indians) at Rs. 9. If you compare the figures, you will find that India stands lowest in this respect. Rs. 9 for one man is the lowest in the whole world. There might be more; those who have known them in their own homes certainly can realise that in India the proportion works out at 1 to 666. Whereas in Japan it is 1 to 22, in China it is 1 to 32,

Innes, gave was—"I invite Mr. T. Prakasam to go with me to his own lands and to show me if there is anybody who gets more wages than that." Now, I say, if you can afford to throw away  $2\frac{1}{2}$  crores of rupees on something which you do not want now, on something which you may or may not want in future, can you not spend a crore or at least a few lakhs on raising the wages, the starvation wages, of these poor men? But I do not admit that it has been proved that there are only 5,000 wagons standing idle. It may be that they are moving about; we have no data to judge what service is being taken from these wagons, whether they are necessary or not. We know as a fact that in October, 1926, it was stated that something like 30,000 wagons were standing idle. After October the point was noted, the fact was made public, and since then it is the easiest thing in the world to set them rolling about in several directions, in many directions. What data have we to say that a proper use is being made of these wagons? They may simply be shifting from one station to another. It is not, sir, that I am suggesting this as a thing which does not occur to the Railway Board; things like that have occurred to the Railway Board, as was pointed out yesterday, by my Honourable friend in regard to the stores. There was a reduction of stores. They were moving from one place to another and they were thus reduced. It may be said that we are over-suspicious; but when we are treated in the manner in which we have been treated, what can we do, when we are able to lay our hands upon a particular thing? Here on your own confession you are having 30,000 wagons standing idle! Why did you spend that 15 crores of rupees if they were not wanted? The last answer to that was—the monsoon. Well, sir, the monsoon is a thing which comes every year and goes away every year; but let us see what were the causes which were attributed for this surplusage by Mr. Parsons. I will not read the whole of it, but I will give you the catchwords:

- (1) Reduction in the time occupied in repairing wagons.
- (2) Strengthening of tracks and bridges.
- (3) Improved marshalling yards.
- (4) Reduction of train mileage.

in Italy it is 1 to 6, in Belgium it is 1 to 8, in Denmark it is 1 to 5, in Sweden 1 to 5, in France it is 1 to 12, and in Norway 1 to 7."

—L.A.D. (1927), *op. cit.*, p. 1176.



- (5) Extension of the use of telephone train control.
- (6) Increased speed of trains owing to the extended use of vacuum brakes.
- (7) Gradual elimination of low capacity wagons.
- (8) System of pooling collieries.

Now, sir, let us closely examine this situation. These are the very improvements which along with the purchase of wagons formed the subject of the Rs. 150 crore programme. Any business man knowing his business who was engaged simultaneously upon all these enterprises should have worked out what the progress in one line would lead to in another, or whether these eight things that have been going hand in hand ever since the year 1919 or 1920, all these things would have arrived at the development at which they are now alleged to have arrived, namely, to the extent that they reduce the number of wagons required. All these things have been going hand in hand, side by side, and it takes the Railway Board, this efficient body of men, this very practical body of men, to discover that all of a sudden they find 30,000 wagons on hand. What was this due to? Oh, it must be due to the monsoon! I say, sir, that it is a most hopeless incompetence which is involved and implied in practical men, business men, doing special classes of business, not being able to foresee what the result of the development in one class of business would be upon the other class as the years go by. Then, again, I should like to draw the attention of the House to the fact that from the year 1919 or 1920 to the 30th September, 1926, no less than 61,976 wagons were purchased, and out of these I understand that not more than 6,000 were purchased in India, all the rest coming from England, so that we have nearly 6,000 wagons purchased in India and about 55,000 wagons purchased in England, and we find in October, 1926, that the number of surplus wagons is 30,000. Now in June, 1926, four months before October, what do we find? We find the Railway Board taking sanction from the Standing Finance Committee for Railways for the purchase of 5,515 additional wagons, which shows that the Railway Board was in blissful ignorance as to what was happening, as to the causes which were contributing to lesser and lesser purchases of wagons.

*Mr. A. A. L. Parsons:* When I placed that particular issue before the Standing Finance Committee for Railways, I explained very

carefully to them that we were at the time engaged in examining what our wagon requirements would be; that in any case we would not require more than that number of wagons; and that quite possibly we should not be spending all the money. As I had no suitable opportunity of meeting them again and putting the matter before them, I could not explain to them that the actual money for general service wagons which they then allowed would not be spent.

*Pandit Motilal Nehru:* My point is that up till June, 1926, the Railway Board was in blissful ignorance of the true state of things. Then in 1926 they were only just enquiring as to how things stood and if they came to know later on that they did not want any wagons they would not spend the money. That was very gracious indeed. But is it the way in which the Railway Board is expected to do its business? Are they just simply after years of purchasing from outside, not even in India, to say "Let us now see how matters stand. It may be we are purchasing more wagons than are necessary." That was in June. Four months later they find as a result of enquiries that they have as a matter of fact 30,000 wagons on hand. I do not say that the money has been spent. But what I charge the Railway Board with is extreme negligence and thorough incompetence. No body of people who know their business and who go about it in a business way could possibly have been in ignorance of the fact that in June when they were asking for sanction for 5,000 more wagons there was really a surfeit of wagons. Of course my Honourable friend Sir Charles Innes said that it was impossible to do constructive work without committing *bona fide* mistakes. Now, I have had a good deal to do with that expression *bona fide*.

*The Honourable Sir Charles Innes:* I did not say *bona fide*.

*Pandit Motilal Nehru:* I was giving more credit to my friend than he deserved. Now, let us take it that the mistakes were not *bona fide* mistakes. Not being *bona fide* mistakes, they are less defensible. And I ask, what does it show? It again shows their incompetence. Either they were *bona fide* mistakes or mistakes which a man, who knows nothing about his work, will commit. Now, sir, this is not the only aspect. There is yet another aspect. That aspect is taking 15 crores of rupees out of the pockets of the tax-payer to invest them in wagons which were not required, while by the exercise of ordinary diligence, ordinary business prudence, the



Railway Board ought to have discovered it was unnecessary to lock up the money in these 30,000 or more wagons.

There is yet another aspect of the question, and that relates to the wagon industry of India. Now, sir, it is a very painful story. The history of this begins with the communique of 1918. I will not weary the House by reading long extracts, but I will only read just a few sentences. The Government communique, dated the 1st March 1918, states:

“The Government of India have recently had under consideration methods of making India more independent of outside sources in the supply of railway materials. One case in particular which they have recently examined in consultation with the Indian Engineering Association and Railway Administration is the construction of wagons in India; and as the result of enquiries they have made, they are now able to announce that they will guarantee to purchase in India 2,500 broad gauge and 500 metre or narrow gauge wagons annually for ten years.”

That was the solemn and definite guarantee given on the 1st of March, 1918.

*The Honourable Sir Charles Innes:* Cancelled in 1924.

*Pandit Motilal Nehru:* I shall come to that. Now, let us just see. My friend can calculate how many months before October will be the monsoon. I can also make a little calculation. My little calculation is that on the 1st of March, 1918, the War was still going on. The Armistice came only in November, 1918 and, of course, we know all the promises that were made to this country in war time. What happened to these promises after that? And the explanation why that guarantee was cancelled in 1924. . .

*The Honourable Sir Charles Innes:* When we passed the Steel Bill.

*Pandit Motilal Nehru:* I am coming to that too. That was the guarantee, and then what was said was:

“In pursuance of their expressed policy of making India as far as possible independent of outside sources in the supply of materials, the Government of India have had under consideration the question of the construction of Locomotive Engines in India, and they are now in a position to give a general undertaking

that tenders will be invited annually in India for all the railway locomotives and locomotive boilers required by Government during the 12 years commencing with 1923."

*The Honourable Sir Charles Innes:* That was after the War. 1921 was not war time.

*Pandit Motilal Nehru:* Because in those days I referred my Honourable friend to the chapter on locomotives in the First Report of the Tariff Board. There they have shown that English manufacturers could not manufacture at a price at which they could be manufactured here and in fact they were driven to the expedient of selling below cost price.

Then came the Report of the Railway Industries Committee. That was in 1922-23. And what they said was this:

"It will now be clear why our Chairman decided that we must await the Fiscal Commission's report before submitting our own report. For we see no escape from the conclusion that the industries which we are now discussing, if they are to be developed—or rather kept alive—in India, must temporarily get some form of protection or assistance from Government. . . We do not think that any useful purpose would be served by our going on to examine the further question whether special measures should be taken to develop these industries, as, for instance, by guaranteeing them orders at a price at which they can work, even though that price may exceed the price admissible under Rule 10 of the Stores Rules. . . The only recommendation, therefore, which we can make is that if a Tariff Board is constituted. . ."

it should consider these questions. Then the Tariff Board was constituted and this is what they said. This was, of course, in 1924:

"It is essential that the Indian manufacturer should have some assurance of continuity of orders, and as his capacity for carrying out work will increase as time goes on, that the numbers ordered in India should gradually rise."

Later on they say:



“The Indian production this year (1925-26) will be far higher than it has ever been in the past, and this is the direct result of the payment of bounties on wagons.

“The administration on the bounty scheme has brought about a rapid expansion of the industry, and if there is an abrupt reversion to a more limited scale of protection, part of the money already spent will have been spent in vain. If as a result of the enforcement of the limit of Rs. 7 lakhs a year, two of the wagon building firms are squeezed out and receive no orders, the bounties already paid to them will have done nothing to promote the development of the wagon building industry.”

That is one aspect. What about the huge capital expended in the construction of the work?

“It would be very regrettable”

they proceed,

“We think, if the rapid expansion of the industry during the last twelve months were followed by a period of decline, and for this reason we have recommended that the allotments for expenditure on wagon bounties in 1926-27 and 1927-28 should be Rs. 18 lakhs in each year.”

Now, what do we find? We find that the bounties recommended by the Tariff Board are 18 lakhs of rupees a year, and yet there are no orders. What are the bounties to be given for? There are no wagons required, no orders are being given, and, therefore, no bounties to be had. And what is to happen to those to whom hopes were held out? What is to become of those firms? Thousands of skilled labourers are being turned out into the streets. All the capital employed goes to the wall, and why? Because the Railway Board committed a mistake in ordering more wagons than was necessary and that from England.

Then I have the high testimony of the Honourable Sir Charles Innes, as to the manner in which the thing worked here. He says:

“The whole question of the wagon industry will be examined

*de novo* this year, and will be brought up again before the House at this time next year.”

That was on the 17th February, 1926, and now we are in the expected time. He also says:

“I think we can claim that as far as we have gone, the policy has been very successful. It is a fact that in the last two or three years these wagon firms have been able to increase their output in a very remarkable way.”

And what is the reward they get? They are killed and liquidation is confronting them.

Now, sir, after all this painful story, see how the subject is treated by my Honourable friend, Sir Clement Hindley, in his speech on the Railway Budget. What does he say? He says:

“The Railway Board perhaps cannot altogether escape criticism in that up to a comparatively recent period this new development was not expected to materialise so rapidly”

—they are going on year after year and yet it was not expected to materialise so rapidly—

“and that we were even a year ago contemplating some necessity for addition and renewals of wagon stock. The reason was, however, that our new reliable statistics, which help us to watch matters of this kind”—

—before that they were groping in the dark—

“had only been established in 1924”—

—even after they were established it took two years or more to be useful to the members of the Railway Board—

“and there was insufficient accurate evidence on which to form conclusions. The fact, however, has now got to be faced that we shall not have to purchase any new general service broad gauge



wagons either as additions or renewals for next year and most probably for the year after as well and perhaps for some years thereafter. With all due sympathy”—

—now come the crocodile tears, if I may say so, sympathy for the manufacturers but accompanied with feelings of exaltation for the result—this is a very remarkable sentence and I beg the House to weigh it properly—

“With all due sympathy for the people who have been expecting orders to build wagons”—

—merely expecting orders as a matter of grace—

“we should be rightly charged with hypocrisy if we did not regard this great saving of public money with considerable satisfaction.”

Satisfaction indeed! Satisfaction at what? Satisfaction at squandering away 15 crores of rupees of the tax-payers! Satisfaction at killing home industries at the expense of patronising British industries! Satisfaction at turning out more than 5,000 skilled labourers into the streets, because no other fate awaits them after this allegation that for some years hereafter we shall not require any more wagons. At the conclusion also my friend, Sir Clement Hindley, says:

“At this stage”

—he was recounting the achievements of the Railway Board for the year—

“perhaps I need only mention the facts that have definitely overcome wagon shortage”—

—and how? By overstocking India with unnecessary wagons to the number of thirty thousand. That is the satisfaction. Now, sir, I hope my Honourable friend, Mr. Cocke, will realise what really able and competent men can do!

I do not think I will be true to myself if I do not on the floor of this House mention the fact that it is the common belief that

all this policy was neither a mistake, *bona fide* or otherwise, but it was, as I hinted some time ago, due to the exigencies of what happened after the war. There was the War of 1918. Then it is commonly believed that despatches were received from England in this country calling upon the Government of India to assist home industries in the best possible manner by obtaining as many orders as possible for these and other things. If that is so. . .

*The Honourable Sir Charles Innes*: May I contradict that statement at once, sir?

*Pandit Motilal Nehru*: I am glad that my friend contradicts it. But if the belief is wrong I say it is wholly excusable and pardonable, if it is not actually true.

Now, sir, this is the story of the wagons. But is this all? As I have said, many other points have been discussed in this House, and many more will be discussed. On the top of the wagon story comes the Raven Committee's revelations. There again my friend, Sir Charles Innes, took credit for his bravery and frankness and courage. He invited the Raven Committee to go into these matters and the report of that Committee is in the hands of everyone. I do admire that courage, but I would admire my friend, Sir Charles Innes' courage more if he would devise means to compensate India for the loss that it has sustained by these wagons.

Now all these things are going on and what are our Railway lords doing? Going about in special trains. It so happened when I was going from pillar to post and travelling by all sort of conveyances, bullock carts included, I arrived one afternoon at Khandwar station, there being a breakdown of my motor car. And what did I find? A special train glittering in white and gold. I thought it was the Viceroy, but I knew that His Excellency the Viceroy was not travelling at the time. I looked from my waiting room and was told it was the Railway Board Special. Then I peeped out and what did I see? I saw all the railway officials drawn up on the platform, even the *dhoti-clad babu* having provided himself with a pair of trousers for the occasion, and they were all there as a guard of honour for the Members of the Railway Board. They came, they saw, they conquered, and after ten minutes when I peeped out again, I saw the train had gone. That was the luxurious way in which they were travelling, and this is the account they give of what they have been doing, after the high salaries they draw and the



luxuries which they enjoy. I need not repeat the few things that have been laid before the House. I say this question of wagons alone is sufficient to condemn any Railway Board. Of course, there are other things which I have no doubt other Members will develop. I have taken a good long time and do not wish to keep the House for any length of time more. There is for instance the coal scandal connected with the name of Mr. Church the engineer. Then there is the North Western Railway underframes scandal, rejected after being made.

*The Honourable Sir Charles Innes:* What is the scandal?

*Pandit Motilal Nehru:* Underframes made by a Calcutta firm.

*The Honourable Sir Charles Innes:* An Indian firm.

*Pandit Motilal Nehru:* Yes, made by an Indian firm on a wrong specification evolved by the consulting engineers of the Railway Board, and when this consignment is delivered, they find it has to be rejected, involving the loss of several lakhs of rupees. It is an Indian firm who did it, but the Indian firm only conformed to the specifications of the Board's engineers. What happened was that these frames, when they were delivered, were found to be wholly unsuitable and had to be rejected.

Then there is the question of an Indian member on the Railway Board, as my friend Mr. Srinivasa Iyengar pointed out. It is not one member but we must have a majority of Indian members. In that matter two definite promises have been broken.<sup>8</sup> I call them definite promises and I can assure my friend on the opposite side that this side of the House will never be satisfied unless, not only one, but more than one member of the Railway Board are Indians, taken from among people who enjoy the confidence of the people, and not merely from a restricted field of selection on the pretence of having special knowledge. I quite agree with my friend that no special knowledge is necessary, no technical knowledge is necessary to be a member of the Railway Board. It is a regular business. I say that the high officials of the Finance Department, who know their business, would any day do it better than the present members of the Railway Board. Indeed it is a question of laying down policies, which after all is the business of the top of the administration.

<sup>8</sup> In the Convention Resolution of 1924, the two promises made, and not kept up, were the 'appointment of Indians as members of the Railway Board' and 'the rapid Indianisation of the railway services'.

The top of the administration is not required to know how to mark a sledge hammer or what to do with an engine. I do not know whether I am safe in saying that perhaps Sir Clement Hindley does not know how to drive an engine—oh! he does. No technical knowledge is necessary; what is necessary is a business head, the ability to foresee things, to foresee the legitimate consequences of business enterprises and to fit one department of business into another so that they may collaborate and work together and not independently and be a burden to the tax-payer. That is what is wanted and for that any man who knows his business, who carries his head on his shoulders and has had a training in various departments of the Government and knows how they work, will be enough. Your Finance Department, I am glad to say, to-day is an example of efficiency to other departments working under the Government of India, and there are any number of people who would be available if you simply go and select your men from a wider field. However, it is not for me to say where the man should come from and who he should be, or who he should not be. What I say is, it is a mere pretence to say men are not available.

Now, sir, I do not wish to go on any longer. What I will say is that the story that I have given, the facts that I have placed before the House, only show one thing, and that is that utter incompetency, gross negligence and utter disregard of the tax-payer are written large on the administration of the Railway Board. Sir, there is something rotten in the State of Denmark, and I submit that the Railway Board must be submitted to a very searching inquiry in all their departments, and I have not the least doubt that, if that is done, revelations, not less startling than the Raven Committee revelations will be revealed.



# Votable and Charged Amount for the Army

*Speech delivered in support of Dewan Chaman Lall's motion opposing the Demand under the head 'Army Department' on the 15th March, 1927.*

Sir, I do not rise at this late hour to inflict a speech upon the House. I rise to make the position of this side of the House clear in regard to the opposition to this Demand.<sup>1</sup> As the House will remember, it has now been ruled that you cannot move a total cut<sup>2</sup> and the

<sup>1</sup> "That a reduced sum not exceeding Rs. 5,78,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1928, in respect of the 'Army Department'."

—L.A.D. Vol. III (1923) p. 2289.

<sup>2</sup> On 23rd February, 1927, Mr. S. Srinivasa Iyengar moved in the Legislative Assembly "that the total amount of the Grant demanded under the head 'Railway Board' be omitted."

The Honourable Sir Alexander Muddiman raised a point of order. He was of the opinion that a motion to omit a Grant was merely a negative motion. It was as though on a motion that the Bill be passed, an amendment had been put down that the Bill be not passed.

The President did not give his ruling at that stage.

This matter again came up before the House when on the 9th March, 1927, Mr. M. R. Jayakar moved the motion that the Demand under the head 'Executive Council' be totally omitted.

The Honourable Sir Basil Blackett raised an objection as to the motion being in order. The President gave the following ruling :

"The words in section 67-A of the Government of India Act 'may reduce the amount referred to in any demand by a reduction of the whole grant', though somewhat misleading, cannot bear the interpretation that the Statute specially permits motions for the omission of the whole grant. If that were so, it would lead to the absurdity that no motions for smaller reductions could be entertained. I think the words 'reduction of the whole grant' is apparently intended to convey the distinction between reductions proposed in items included within the grant and reductions proposed in the total of the whole grant. This is made clear by section 72-D, sub-section (2) of the Act, which provides that the Provincial Council may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of

opposition to the Demand itself has taken the place of a total cut. Now I know that among certain Honourable Members even on this side there is a sort of nervousness when a total cut or anything taking the place of a total cut is before the House. I wish to explain that whatever reasons there may be for their not taking part in a total cut, those reasons do not apply to the opposition to this Demand. But I must not be taken to concede that a total cut is open to any objection. Sir, the psychology of such a cut has not been understood by Honourable Members who are not inclined to vote for it. The other day my friend Mr. Muhammad Yakub, although in full agreement with us, held<sup>3</sup> himself unable to vote because the motion took the form of total omission. Again, my Honourable friend Colonel Crawford on another point<sup>4</sup> also made the same observation. He did me the honour to agree with me in what I submitted to the House; but he said he was prevented from voting because I had gone too far in proposing a very big cut—almost a complete cut. Now, what is there in the amount of a cut? It does not in the least matter to the Government whether you cut down a hundred rupees or a thousand rupees or ten lakhs of rupees for the matter of that. But we have to consider what it is that we wish to bring home to the Government by moving a motion of that character. It was on the Railway Board Demand that my friend Mr.

the items of expenditure of which the grant is composed. I find that a similar language is employed in the procedure of the House of Commons. I confess, however, I do not understand why the same words were not used in section 67-A. But, however this may be, the central principle seems to me that motions for the omission of the entire grant are not contemplated by the Act or by the rules as they now are. My ruling, therefore, is that no notice for the omission of a whole grant, either in the Railway or General Budget, is admissible.”

—L.A.D., Vol. II (1927), pp. 1194-7 and 1911-4.

<sup>3</sup> Speaking on the motion of Mr. Srinivasa Iyengar that the Demand under the head ‘Railway Board’ be cut by the whole amount minus Rs. 100, Maulvi Muhammad Yakub said on 23rd February, 1927 in the House :

“I am quite prepared to record my vote in favour of motions of this character when they will be discussed in the House but I do not find myself in a position to vote for a motion which amounts to a refusal of grants and which encourages or invites the Governor-General in Council to use his power of certification”.

—L.A.D. (1927), Vol. II, p. 1207.

<sup>4</sup> On the motion moved by Sir Charles Innes re : the Grant for the Railway Board on 23rd February, 1927.

—*Ibid.*, p. 1231.



Muhammad Yakub made that observation. Now, the object plainly was that we were not willing to vote a single rupee because we entirely disagreed with the whole policy of the Department which we are attacking. It is only to express the extent of our dissatisfaction that the motion takes that form. Here again there is the military policy of the Government. By moving or rather opposing the motion for the Grant what we say is that we entirely and totally object to that policy. But that is not the position that every Honourable Member need take. I am now going to lay before the House one consideration and one only which, so far as I have observed, has escaped the notice of the House. That is a matter which I look upon as conclusive and I expect that my friends, even of the European group, will see eye to eye with me on that point.

Now, sir, what is the amount which is votable? Rs. 5,89,000; and we are proposing cuts of a thousand rupees, a hundred rupees and so on. If I satisfy the House that even ten times of the amount which has been submitted to our vote is wholly unjustifiable, will they still desist from voting with me simply because it goes to the extent of the whole sum that has to be voted? I am sure, not. Now, let me explain the point. The point is this: His Excellency the Commander-in-Chief has been quoted—and I think it will now be a classical phrase—that he cannot afford to do with one man less or one rupee less in carrying on the military administration of the country with efficiency. Now, sir, we have the same sentiment expressed in different words in the speech of the Honourable the Finance Member. He says:

“Only the sternest economy and the strictest vigilance can now prevent our military budget from showing a tendency to rise rather than to fall, and the present level of expenditure seems to be very nearly the minimum absolutely essential to maintain in a state of full efficiency an army of the strength at present authorised.”

Now, what is the state of things? As I was turning over the pages of this Military Budget, my attention was attracted to a most remarkable figure and I wish to draw the attention of the House also to that figure. We find on page 4—expenditure under the head “Army”

—Part I—Standing Army: Under sub-head 8, there is a lump cut for probable underspending. And do you know what is the amount of that cut? It is no less than 80 lakhs of rupees. Now, what does that show? That shows that the estimates and the Budget have been prepared in such a way as to enable those who have got to spend this money, to throw it away with both hands and yet never come to the end of it. There will most probably still remain no less a sum than 80 lakhs of rupees unspent. Then there is a Note to this. That is also very important. The Note says:

“In preparing the Budget Estimate for 1927-28 under the revised heads of classification and with reference to the arrangement of controlling officers, double provision was discovered.”

It was somehow by the merest chance discovered that there was a double provision:

“That exact amount of which cannot be stated as the Budget Estimate for 1926-27 is not susceptible of recompilation fully under the new heads. Of the total lump cut of Rs. 80 lakhs in 1927-28 for probable underspending the Military authorities have undertaken to keep the expenditure within 40 lakhs of their detailed estimates and the balance represents short spending as anticipated by the Finance Department. A lump cut of Rs. 12 lakhs was taken by the Finance Department in the Budget for 1926-27.”

So that, while the military authorities were also content to keep it at 40 lakhs, the Finance Department thought that it was an underestimate, and that probably the amount underspent would come to something like Rs. 80 lakhs. Now, sir, if we had all the materials available to us, we could further test how this amount would be underspent. But what do I find? The whole of the military budget is framed in a different way altogether to the way in which the General Budget is framed. When you want to look into the details, when you wish to make any comparison between the past years and the present, you find that the columns of Accounts for 1925-26, Budget Estimates 1926-27, and Revised Estimates 1926-27 are all blanks from beginning to end. That is as regards the standing army.



I am quite sure that the Honourable the Finance Member will find some explanation of this 80 lakhs. But how am I to find it out for myself? How am I to understand this Budget? Unless I understand this Budget, I say that I am fully justified in refusing anything on the Demands which have been put to our vote.

Then, sir, I shall briefly deal with the statement made by His Excellency the Commander-in-Chief, that it is impossible to do with a single man less or with a single rupee less. I need only point out that it has been possible and quite easy indeed for us to send out large numbers of men to serve outside India. Well, if for our own purposes we cannot do without one man less, how is it that we have from time to time been able to send large numbers of men outside<sup>5</sup> for purposes with which we have nothing to do—not purposes, at any rate, of the defence of India? Now, sir, these are the points to which I wanted particularly to draw the attention of the House. I would ask the Finance Member to explain<sup>6</sup> to the House how is it that, when you can put down no less a sum than Rs. 80 lakhs under the head underspent, why should we allow you these 5 lakhs and odd thousand rupees that you have put to our vote? Why cannot you

<sup>5</sup> While replying to the debate on the Demand for the Army Department on 15th March, 1927, the Honourable Sir Basil Blackett, Finance Member, referred to this point of Panditji. He said :

“I do not like to differ in public from a colleague but I should not like to say that we could not get on with one man less or one rupee less, especially the rupee. But the answer I think is this, that we have only spared those troops on the understanding that their place will be taken at once by reinforcements from elsewhere in case of absolute necessity, which is a very different thing from having a permanent reduction in your forces.”

—L.A.D. (1927), Vol. III, p. 2303.

<sup>6</sup> Replying to the objections of Pandit Motilal Nehru regarding the votable grant of the Army Department, Sir Basil Blackett said :

“My Honourable friend Pandit Motilal Nehru suggested that it would be quite all right to throw out this voted sum of five lakhs and 80 thousand because it was only a very small portion of our military expenditure which was non-votable. I should like to point out that this sum is not a part of the military expenditure. This is part of the civil expenditure controlling the army and the voted portion is chiefly for the salaries and wages of the Indian officers and others employed in the establishment. The reason why the House is asked to vote this is that under the Reforms system it is asked to vote and appropriate to a particular head the sums required for expenditure under that particular head.”

—*Ibid.*, p. 2304.

manage with the many crores that you have got and as to which we are not consulted at all?

Now, sir, as I have thought fit to rise and speak on this occasion, I should like, before I sit down, to make one or two general observations in regard to the speeches that I have heard to-day. My friend Mr. Howell<sup>7</sup> in justifying the military policy on the Frontier, gave as evidence and proof positive of the success of that policy that he was entertained at a garden party and was assured by the Mahsuds that things had very much improved and that they did not want any change in the policy. I am sorry my friend is not in his seat. But that reminded me, sir, of an incident which occurred in the course of impeachment of Warren Hastings in the House of Commons. It was said on his behalf that numerous entertainments were given to Warren Hastings which showed that India was quite pleased with him, that the Indian people had no complaints against him. To this Edmund Burke's reply was—India was a country where they worshipped small-pox; what wonder that they gave these entertainments to a man they wanted to get rid of? I think, sir, that the same remark would apply to the great majority of the farewell parties given to retiring officials (*An Honourable Member*: "And addresses") and addresses. They do not imply anything at all in this country. At best they simply amount to a polite way of getting rid of the undesirables. Then I must not omit to notice the remarks of my Honourable friend, Sir Darcy Lindsay, the veteran leader of the European Party. Now, sir, I am free to admit that there has been a certain amount of laxity in the conduct of the debates, the reasons for which it is not necessary for me to enter into, but it hardly lay in the mouth of my friend Sir Darcy Lindsay to raise any objection on that score. I find that during this debate on the Demands no less than 7 members belonging to his group consisting of 11 all told have spoken on various heads of the Budget.

*Sir Darcy Lindsay*: How long were the speeches?

*Pandit Motilal Nehru*: Just wait a minute. This Party, sir, which as everybody can see is the strongest Party in the House in numbers at least—(*An Honourable Member*: "Only in numbers")—in this Party which consists of more than 40, there were just 20 who spoke during all these days. Then my friend says: what was the length of the

<sup>7</sup> Mr. E. B. Howell, Foreign Secretary, for text of speech, see L.A.D. (1927) *op. cit.*, pp. 2171-4.



speeches? May I ask another question ? What was the stuff in them? What was the stuff in all these speeches?

*Sir Darcy Lindsay*: I am glad you call it stuff.

*Pandit Motilal Nehru*: What was the stuff in the short speeches? I say if the speeches were lengthy (some of them were, and some of them were lengthy on the other side too), they were so because of the ground they covered. But the shorter the speech the less stuff in it perhaps for want of material.

Then there was another thing. My friend, Sir Darcy Lindsay, gave us a story which I think was very apposite. It was the story of the sailor who tried to rescue a drowning man. Well, he caught him by the head as it floated on the surface, and asked him who he was. He said he was a Jew, on which the sailor gave him a ducking; but he bobbed up again and the sailor asked: "Will you be a Christian?" He said "No". So he gave him another ducking. After a time he pulled him up again and asked him: "Will you be a Christian?" The poor man was now very exhausted and in a faint voice he said "Yes". Then he let him go saying "Then die the death of a Christian." Now, sir, apply that story to India. India was sinking just before these Reforms came. India was sinking after Amritsar, sir, and when these Reforms came, Nationalist India said, "We shall not co-operate." The sinking head was raised up and was asked "Will you co-operate?" The sinking India said, "No". It was allowed to go down. Then it was lifted up again in an exhausted condition. That was after the first Councils had met and had run their course. It was asked again, "Will you co-operate?" India said, "Yes, on honourable terms." After some formal ceremonies of baptism by which I refer to my Honourable friend the Home Member's Committee, known as the Muddiman Committee, and certain other committees, eventually the answer was given, "No honourable co-operation". The answer amounted to that, and India was let go and she went down again. But, sir, India is not dead and she is not going to die, at any rate not in the way in which some people would wish it die, that is to say, in co-operation when it is not honourable. She would rather die in honourable non-co-operation than in dishonourable co-operation.

## Salt Tax

*Speaking on the amendment of the Indian Finance Bill  
1927, passed by the Council of State re: salt tax on 28th  
March, 1927.*

Sir, I beg to oppose the motion<sup>1</sup> which has just been made with such a pathetic appeal<sup>2</sup> by my Honourable friend the Finance Member. In doing so, sir, I am conscious that I stand but a poor chance of success, but we on this side cannot allow this occasion to pass without putting on record once again the utter hollowness of the constitution which makes it possible for such an occasion as the present one to arise.

Sir, what has happened is this. This House which is supposed to be, and to a certain extent is, the House of popular representatives succeeded in carrying an amendment to the Finance Bill reducing the duty on an indispensable article of food, indispensable alike to the rich and the poor. That Bill has now been considered by the Council of State, and that august House has in its wisdom restored the higher duty. It has been brought back to us to-day, and we are invited by our friend the Finance Member to go back upon our previous decision and say ditto to the Council of State. In fact,

<sup>1</sup> "That the amendment made by the Council of State in the Bill to fix the duty on salt manufactured, in, or imported by land into, certain parts of the British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Tariff Act, 1894, the Indian Stamp Act, 1899, and the Indian Paper Currency Act, 1923, and to fix rates of income-tax, be taken into consideration."

—L.A.D., Vol. III (1927), p. 2920.

<sup>2</sup> While concluding his speech in support of the Council of State's amendment, Sir Basil Blackett stated :

"I do strongly urge this House to take one last step to put our finances in order, so that we may be for the future free of any liability to the provinces for assistance from the provincial contributions in normal times . . . This Assembly in the first Session of its life will, I think, have laid a very strong foundation for future successful financial action if it endorses the Government's recommendations to accept the amendment in the Bill proposed by the Council of State."

—*Ibid.*, p. 2922.



we are asked submissively to register the decree that has been made by the Council of State. We maintain, sir, that it was wrong to impose this tax<sup>3</sup> at all at any time. We say that it was wicked to continue to levy it for a long succession of years. We say that it is criminal now to insist on the higher rate being realised from a famished people whose representatives in their helplessness felt themselves justified in acquiescing in the lower rate, although it was a case, and a strong case, for the total abolition of the tax. But, sir, we are the crippled representatives of a paralysed people, and we have to move cautiously if we are anxious at least to mitigate the suffering that we cannot entirely remove. We knew that the Government was bent upon its pound of flesh. We knew, sir, that the argument that "the bond doth give no jot of blood" would not avail for the simple reason that there are other instruments in the hands of the Government which can draw blood as well as flesh. We, therefore, contented ourselves with pleading that half a pound of flesh may be accepted in full payment. That, sir, was a counsel of despair. We abstained from voting down the whole tax, and we rejoiced when we succeeded in reducing it by half<sup>4</sup>; but our rejoicing has been shortlived. To-day under the glorious constitution which has been conferred upon us as a free gift by the British Government, it has been made possible for the same Bill and the same provision to come back to us to be reconsidered by us and to be modified according to the wishes of the Council of State if we would be good boys.

Now, sir, this constitution has given us two Houses, one in which the representatives of the people are in a majority and their proportion is carefully defined by the Statute itself. The other is a

<sup>3</sup> Same sentiments were expressed in a strongly worded petition which was presented to the House of Commons by the Chamber of Commerce of Briston.

"The price to the consumer here in England is 30s. per ton instead of £21 per ton as in India, and if it were necessary to abolish the salt tax at home some years hence it appears to your petitioners that the millions of Your Majesty's subjects in India have a much stronger claim for its remission in their case, wretchedly poor as they are and essentially necessary as salt is to their daily sustenance and to the prevention of disease in such a climate."

—Contained in Dutt's *Economic History of India in the Victorian Age*, p. 449.

<sup>4</sup> The Legislative Assembly adopted an amendment of Clause 2 of the Indian Finance Bill on 22nd March 1927 which substituted for the words 'one rupee and four annas,' the words 'ten annas'.

—L.A.D., Vol. III (1927), p. 2581.

House for which the law gives Government the liberty to pack it as it pleases, of course by rules made under the Act.

*Mr. L. Graham*<sup>5</sup>: Will the Honourable Member give us the figures of the constitution of the Council?

*Pandit Motilal Nehru*: I will, at once. Sir, I am reminded by my friend of what I was about to do, and over which I spent a very pleasant few minutes in the morning. I set to myself a little exercise in arithmetic, and I think the House will be interested in following my calculation. Sir, the present constitution of the great House of Elders is, barring the President, 59 members in all, of whom 26 are nominated and 33 are elected. I hope I am right. Now, that ostensibly gives a majority to the elected Members, but only to the unsuspecting. It requires a little more examination and scrutiny to arrive at the real truth. Now, sir, of the 33 elected Members, we have three Europeans from special European constituencies, and of the remainder we have nine bedecked and bejewelled gentlemen from G.C.I.E. to Khan Bahadur and Rai Bahadur. That leaves us a balance of 21 plain ordinary men as against 38 nominated officials, non-officials, Europeans and titled gentlemen. Now, sir, far be it for me to say that all these titled gentlemen are at the beck and call of Government. There are honourable exceptions of course. But at the same time among these 21 plain ordinary men, as I have described them, there may be some who, though they do not possess honours now, might be aspirants for those honours. I, therefore, cancel the one against the other, and therefore the proportion remains as 38 to 21.

*Raja Ghazanfar Ali Khan*: What about the division list?

*Mr. Jamnadas M. Mehta*: That is much worse.

*Pandit Motilal Nehru*: This is how that House is packed. It is in the power of that House to undo whatever we might do in this House, and, as in the present case, to require us to eat humble pie and say ditto to what it has decided. That is the beauty, sir, of the constitution. I ask if in plain language it means anything but compulsion. Are we not now being compelled to undo what we did on the previous occasion? Compulsion when it is used for raising money is by common people called extortion. I, therefore, maintain, sir, that this is a form of legalised extortion to which the people of this country are being subjected in spite of their representations.

<sup>5</sup> Secretary, Legislative Department.



It is quite clear from what I have stated on this particular point that the constitution only seeks to make us instruments of oppression and extortion in the hands of the Government. It pretends to give us new opportunities for service. May I express in my own words, sir, what that means? It means new opportunities of showing to the Government that we can be willing to carry out its will and not the will of our constituents. Then it promises a further advance in the reforms if and when it is shown that confidence can be reposed in our sense of responsibility. Those again, sir, are very fine words, but if I may be permitted to translate them into my own simple language, I would put it in this way—that the sense of responsibility there means a sense of abject servility to the Government. That is what we are being taught, that is what is being cultivated in this House by the procedure which is prescribed in our constitution.

Now, sir, we have recently had a pronouncement from the Secretary of State of which only a telegraphic summary is at present available. But this is what His Lordship says about these reforms, as to whether they have succeeded or not. He says:

“At the end of two years of assiduous study it was yet too early to pronounce definitely either upon the success or failure of the present constitution.”

We know that His Lordship is not a slave of dates, and, therefore, he takes his own time to assure himself as to whether these reforms have been or are likely to be a success or a failure. But I put it to Honourable Members in this House if any of them, with all the evidence that has been recorded, with their daily experience and particularly with the experience they have had since the commencement of this Session, can have any doubt as to whether these reforms are a success or a failure. But of one thing His Lordship is quite certain and that is that they are not real, because we find in the same pronouncement another passage which runs thus:

“Given an India in which those who count manifest goodwill and give a promise of fruitful co-operation, there is much that might gladly be offered and loyally accepted which would afford a precious promise for a constitution which might last for long and might bring India really and perhaps permanently on equal

terms as an honoured member into that free community of the British Dominions which men know as the Empire.”

So that, after all has been done, after all the fruitful co-operation that His Lordship demands has been given, what is it that we are promised. Simply this: We may perhaps get something which is real, something which is more permanent. So that, on his own showing we have nothing approaching reality at present. Then, sir, this should come as an eye-opener to those Honourable Members who are looking forward to the early appointment of the Statutory Commission,<sup>6</sup> as to what they may expect from that Commission. But, while I am on this subject, I would beg the indulgence of this House to permit me to read another passage which is also characteristic. It is this. Lord Birkenhead said:

“How he had frequently asked Indian deputations what would happen if the British left India to-morrow and he had not discovered one visitor, however critical, however acrimonious he might be to our methods, who had ever told him that he contemplated with indifference the withdrawal to-morrow from India of the Viceroy, the English lawyers, English soldiers and English Civil Service.”

Now, sir, if there can be a case of adding insult to injury, there can be no worse case than this. We have been emasculated as a nation. Our affairs have been managed by others, in spite of our will, for over a century and a half. We have been tied hands and feet together and subjected to a kind of spoon-feeding at the hands

<sup>6</sup> His Excellency the Viceroy in a statement announced the appointment of the Statutory Commission on Reforms on the 8th November, 1927. The Commission would be presided over by Sir John Simon and assisted by six other members of the Parliament. The Commission would be charged with “inquiring into the working of the system of government, the growth of education and the development of representative institutions in British India. . .” With a view to elicit the Indian opinion on the subject the British Parliament intended to invite the Central Legislature to appoint a Joint Select Committee “which would draw up its views and proposals and lay them before the Commission.” His Excellency pointed out that after the publication of the report and its examination on the part of the British and Indian Governments, the Commission would present the proposals to Parliament which would afterwards refer them to a Joint Parliamentary Committee.



of those who mount guard upon us, and now our guards say: What will happen if we leave you tied down as you are?

*The Honourable Sir Basil Blackett*: Sir, on a point of order. I do not wish to interrupt the Honourable Member, but is not this getting rather far away from the question of the restoration of the salt duty to Rs. 1-4-0?

*Pandit Motilal Nehru*: Sir, I was pointing out the cruel irony of the situation. Here we are, not responsible for our present plight, being asked by those who have reduced us to what we are: What will you do if we go away? What we are asking for is that the chains that tie us be broken and our hands and feet be left free and then you can please yourselves and go whenever you like. Now, sir, as to the fruitful co-operation which the Secretary of State expects, we have only to see what has happened in the course of this Session. Not that things have not happened in the last Assembly. But it is no use repeating the old story. I shall confine myself to a few incidents of this Session. We began by asking for permission to one of the duly elected Members to attend this House.<sup>7</sup> He was prevented from appearing, taking his oath of allegiance and showing that he was as honest a citizen as any one of us here. Why? Because he was detained under suspicion. Then. . .

*Mr. Kabeer-ud-Din Ahmed*: Last year you all walked out.<sup>8</sup> What happened to the salt duty then?

*Pandit Motilal Nehru*: Then we were gagged when we complained that Indian soldiers had been sent to China without any reference to this House. We were allowed no say in that at all. I simply mention it to show how by executive action this gag was put upon us. Then we passed a Resolution about the detenus. We carried it, and after many promises and many negotiations between the Government of India and the Government of Bengal, what was the result? Finally, after holding out many hopes, it was declared that there

<sup>7</sup> Pandit Motilal Nehru moved an adjournment motion in the Legislative Assembly on 21st January, 1927, that permission may be granted to Mr. Satyendra Chandra Mitra who was detained under the Bengal Criminal Law Amendment Act, to attend the meetings of the Legislative Assembly, since he was a duly elected Member.

—For details, see L.A.D. Vol. I (1927), pp. 18-55.

<sup>8</sup> The Swarajists staged a walk out on the 8th March, 1926, when the Demand for Grant in respect of 'Customs' was being discussed.

—L.A.D., Vol. VII (1926), Pt. II, p. 2143.

would be no release at all, but only a change in the nature of imprisonment. Instead of internment in a jail, it was to be internment in a village<sup>9</sup> or internment in one's home or elsewhere, but absolutely no inclination to allow these men an opportunity to clear themselves if there was anything against them. Then, sir, there was our vote of censure on the Railway Board<sup>10</sup> and on the Executive Council.<sup>11</sup> They have been treated in a contemptuous way. Next we beheld the manner in which the Currency Bill was piloted in this House.<sup>12</sup> It was no doubt a fight which we put up, but there were forces at work which I need not detail and we lost. The crowning act of all is this return of the Finance Bill to us in order to compel us to go back upon our own decision.

Now, sir, my friend the Finance Member was pleased to interrupt me and ask what it had to do with the reduction of the duty on salt. What I have to do with is not merely the fact but the root cause of it. I say it is not the question to-day before us as to what would be the proper duty on salt or whether there should be any duty at all. I ask Honourable Members to bear clearly in mind what the real question that we have got to determine to-day is, and I specially appeal to those Honourable Members who may be against the reduction—the one issue before the House to-day is this. Are we to submit to the treatment which is being accorded to this House? It is to the interest of those who voted for the reduction as well as those who did not vote for the reduction to uphold the honour of this House and the independence of this House. I say that that is the issue. Those who were in the minority, those who may be in the majority to-day, it is not for either of them to consider what is the real and the true duty which ought to be imposed upon salt but that the House of which they are Members having once decided—

<sup>9</sup> Referring to the detenus, in the course of his speech on 21st March, 1927, Sir Alexander Muddiman stated :

“The Bengal Criminal Law Amendment Act provides for a considerable degree of elasticity in the treatment of those who are dealt with under it and enables the Government to transfer from jail to less strict forms of supervision persons whose past record and present conduct would not justify their unconditional release. Individuals of this class may be directed to reside in a particular village or their homes.”

<sup>10</sup> For details, see L.A.D., Vol. II (1927), p. 1247.

<sup>11</sup> *Ibid.*, p. 1972.

<sup>12</sup> *Ibid.*, pp. 2133-6.



it may be against the opinion of certain Members—that a certain duty is to be levied and no more, ought they not to combine to honour that decision of the House and refuse to be dictated to by the other House? Sir, it will be said that that is the constitution. I have described the nature of this constitution. I do not say that technically it is not law. But what I have said and what I repeat again, sir, is that there is such a thing as legalised extortion and legalised illegality. This, we must remember, is a money Bill and it is up to us whatever the constitution may be, to establish a convention that the other House, whatever its composition may be, whatever its weight may be in other matters, shall have no voice in a money Bill. That is our opportunity. That is the opportunity we ought to seize.

Now, sir, I am not aware what the grounds of Honourable Members of the other House were for restoring the duty. I was not there. But I have been informed that one brilliant argument was that an Honourable Member who was a *shikari* knew that the wild beast of the forest did not require any salt. They cannot get it and yet they lived. Why was it that we were asking for salt for our cattle? I think I ought to inform the Honourable Member—perhaps he does not know—that there are no veterinary hospitals in the jungles and the forests, that the beasts of the forests know where they can have the salt they want and they get it, as their movements are not restricted. But I should like to have asked the Honourable Member if he had gone into statistics of the Stone Age or some other pre-historic age, when the primitive man used to live and eat his meals, as to what those meals consisted of and what was the proportion of salt in them. He may well have argued from that that you do not want any salt because in those days salt mines were not discovered and other processes of making salt were not known. Arguments like this, sir, show on what considerations this tax has been restored to its full amount, namely, its higher rate.

I submit that this House will not take into any serious consideration the fiat of the other House, that those who voted for the reductions on the last occasion will adhere to their opinion and those who did not vote will, if for nothing else, at least to maintain the dignity and honour of this House, not accede to the motion that has been made by the Honourable the Finance Member. I do not propose, sir, to go into any arguments on the merits because they

have been sufficiently dealt with in the debate which took place when we carried the amendment. My friend the Honourable the Finance Member has only repeated what he said on the last occasion with the exception that he gave us somewhat nearer figures to-day than he gave on the last occasion. I take the whole of his argument to come to this. You have got these two ropes. Choose one to hang yourself with—either it is the salt duty or it is the provincial contributions. That argument has been exposed over and over again on the floor of this House. We do maintain that it is possible to do away with the provincial contributions as well as with the salt duty. But I am not going to take the time of the House any longer and I would appeal once again to Honourable Members not to be misled in considering this question and not to weigh what is the proper duty in golden scales and arrive at the exact duty to be levied.

The point before the House is a very clear one. It is a constitutional point. It is a point which they must make a convention of, but if they continue to submit, well, there can be no hope for them in the future. I may remind the House that this is not the first occasion upon which this question has arisen. In the year 1925 we carried an amendment reducing the salt duty to one rupee<sup>13</sup> by a far larger majority than the one by which we passed this amendment. It met with the same fate at the hands of the Council of State. The Council of State enhanced the duty, or rather restored the higher duty. It came back before us and some gentlemen for reasons best known to themselves voted differently to what they had voted on the first occasion. I hope that Honourable Members will not allow such an exhibition to take place again and I also trust that those who have not voted or who were absent will join with those who did vote in favour of the reduction, to maintain and uphold the honour and dignity of this House.

Sir, I oppose the motion.

[Finance Member's motion was adopted]

<sup>13</sup> The relevant amendment was adopted by the House on 17th March, 1925.  
—For details, see L.A.D., Vol. V (1925), Pt. III, pp. 2521-9.



## Simon Commission\*

*Speech delivered in support of the Resolution<sup>1</sup> moved  
by Lala Lajpat Rai re: the Simon Commission on 18th  
February, 1928.*

Sir, there have been two important contributions to the debate on the Resolution which we are discussing to-day since we rose on Thursday last, one from within the House which came from my Honourable friend, Mr. K. C. Roy,<sup>2</sup> and the other from across the seas, from the great Secretary of State.<sup>3</sup> So far as the first contribution is concerned, I am afraid my Honourable friend has appealed to the wrong court. He has asked me to give a lead to the

\* Up to the date of announcement of the personnel of the Indian Statutory Commission, it was assumed that the Commission would be of mixed composition. But departure from this took the people by surprise and a widespread call for boycott went round. Also *see* footnote 4 II, *supra*.

—For details re: the appointment of the Simon Commission, *see* footnote 6, XXVI, *supra*.

<sup>1</sup> “This Assembly recommends to the Governor-General in Council to inform His Majesty’s Government that the present constitution and scheme of the Statutory Commission are wholly unacceptable to this House and that this House will, therefore, have nothing to do with the Commission at any stage and in any form.”

—L.A.D., Vol. I (1928), p. 382.

<sup>2</sup> While expressing his views with regard to the right of self-determination, Mr. K. C. Roy stated in the course of his speech on the Resolution:

“I have never been able to find out the ‘inherency’ of the case. I know that self-determination is acquired and defended. From my study of history I have come to the conclusion that we have got to acquire self-determination by a victory in war or by a collapse of the Government after a civil revolt. These are the two conditions which postulate self-determination.”

—*Ibid.*, p. 437.

<sup>3</sup> Dealing with the appointment of the Simon Commission in the course of his speech delivered by him at Doncaster on the 17th February, 1928, Lord Birkenhead referred to the criticisms at the non-inclusion of Indians in the Commission and said that sixteen such would have had to be admitted in addition to the British to make it representative of the major interests even in India. Those who delude themselves and India with the impression that by boycotting the Commission they would defeat its purpose were living in a world that had no contact with reality. There were millions of Muslims, depressed classes, business

country. That I did before I returned from England and almost immediately after the announcement of the Commission was made.<sup>4</sup> But as a journalist he must have known that that lead was repeated time after time in Press statements and interviews. And that is the lead which I stand now in my place to give to the country, and I hope the country will follow it. That lead has nothing whatever to do with the Statutory Commission. My Honourable friend has given Sir John Simon and his colleagues a certificate of honesty and ability.<sup>5</sup> Well, I also have the honour of knowing Sir John Simon personally, of working with him and of having full opportunities of appreciating his great genius and his great powers of the mind. I do not know the other members so well, but I have heard what is thought of them in England. I will not repeat the expressions used in respect of them but so far as Sir John Simon is concerned, I agree with my Honourable friend and with every word that has been said in his praise in this country as well as in England. I have myself described him as a very big man. I have myself said that he is out in his own way to do something big but I have added that the biggest thing that he, as an Englishman and as an Imperialist, quite apart from his being a lawyer of great eminence, is capable of doing is bound to be the smallest possible thing from our point of view. In any case whether he is a big man or it is a big thing that he does, I for one will not advise my countrymen to surrender their rights to the biggest man in the world. That right, sir, is a right very much ridiculed in these days, the right of self-determination. During the continuance of the war those words were on the lips of the statesmen of the allied countries and they furnished a most useful bait to the countries which they held under subjection to draw them into

and Anglo-Indian Communities who intended to put their case before the Commission and that the Commission would ultimately report to Parliament, stated Lord Birkenhead.

<sup>4</sup> 8th November, 1927.

<sup>5</sup> While commenting on the personnel of the Commission, Mr. K. C. Roy said :

“Among them there are men who have made a great mark in the history of the British nation, men whose names are held in universal respect all over the British Empire—at least those of Sir John Simon and Lord Burnham are. I have known one of them for a long and one for a short time, and I know this, that they have come with the most honourable intentions.”

—L.A.D. *op. cit.*, p. 436.



the vortex of the war.<sup>6</sup> They also proved a very strong bait to the countries held in subjection by the enemy countries to break away from them. As soon as the war was over the expression "self-determination" lost much of its significance. It ceased to apply to India and to the countries held by the Allies, but so far as the other countries were concerned, which had been absorbed by the enemy countries before the war, it was applied to such an extent as was necessary to weaken the enemy countries and no more. That done the word lost all its meaning and when it is now used in relation to India or to any other country similarly situated it is met with scorn. India, however, will not forego her right and however much it may be doubted that she will ever be able to stand on her feet, I am confident that we shall soon be in a position to exercise that right fully and freely.

Now, sir, as to the other contribution which has come from across the seas, I think, as has already been said by my Honourable friend Mr. Goswami,<sup>7</sup> it furnishes the completest justification for the attitude that we have adopted in this country. It tells us exactly where we stand. The real meaning of the very weighty utterance is this; the politically minded people of India who have devoted their lives to the service of the country do not count. The Simon Commission is to receive its inspiration from those whose

<sup>6</sup> In a speech delivered in 1917 at Glasgow, Mr. Lloyd George stated the aims and objects of the war, which were :

"Now we are faced with the greatest and the grimmest struggle of all—liberty, equality, fraternity, not amongst men, but amongst nations—great and small, powerful and weak, exalted and humble—equality, fraternity, amongst peoples as well as amongst men—that is the challenge which has been thrown to us. My appeal to the people of this country, and if my appeal can reach beyond it, is this that we should continue to fight for the great goal of international right and international justice, that never again shall brute force sit on the throne of justice, nor barbaric strength wield the sceptre of right."

<sup>7</sup> Dealing with the Doncaster speech of Lord Birkenhead, Mr. T. C. Goswami stated:

"Lord Birkenhead has committed another of his usual indiscretions by making a speech, which was reported in last night's papers, before the debate in this House has concluded. I think that his speech has done greater harm to the Government cause to-day than any speeches that can be delivered on this side of the House. Lord Birkenhead has told us that we would discover how little representative we are of that vast heterogenous community of which Lord Birkenhead and his countrymen are responsible trustees."

—L.A.D. *op. cit.*, p. 439.

self-interest or fear compels them to stand by the bureaucracy. Who are the people upon whom Lord Birkenhead relies? They are millions of Moslems, millions of depressed classes, millions of Anglo-Indians and commercial communities. I do hope that the capacity of Anglo-Indians to multiply themselves will increase, but I am afraid it is rather too high an expectation to come up to Lord Birkenhead's estimate. Now, sir, another point which emerges from the weighty words of Lord Birkenhead is that the ablest men in the country are to be associated to prove that they are fit to manage their own affairs, as if the ablest men in the country were on the same level as lunatics or those charged with being lunatics. They are to be treated as mere exhibits in the case which is to be examined by the Simon Commission as a whole. Our friends were flattering themselves so far that they will at least be entitled to the same weight as witnesses. No. I say that that statement relegates them simply to the position of articulate exhibits. The third point which arises is that Lord Birkenhead's will is supreme and must be enforced at all risks. These are points that can be gathered from the latest exhibition of temper, if I may say so, of Lord Birkenhead. It is easy to reply in the same strain but I shall resist the temptation and will only remark that heads that are swollen contain little wisdom and pride always rides for a fall. Leaving Lord Birkenhead to his millions of Moslems, millions of depressed classes and millions of Anglo-Indians, I will now, with your permission, address myself to the Resolution.

I find that in spite of the very able exposition of the point of view of the Congress by my friend the Honourable Mr. Srinivasa Iyengar,<sup>8</sup> there is considerable doubt and confusion in the minds of the

<sup>8</sup> While speaking on the Resolution, Mr. Srinivasa Iyengar detailed the Congress party's point of view in regard to the boycott of the Commission. He said :

"I cannot understand why, when the Joint Parliamentary Committee itself is to sit again for the purpose of discussing these proposals, a preliminary Parliamentary Committee is necessary for the purpose of investigation. It is quite obvious that the desire was to exclude Indians and to prevent Indians from discussing the evidence which will be placed *in camera* before the Commission and to cast an undeserved slur upon India. But that is a point of view of self-determination and our refusal to submit to any inquiry into the fitness of the country for Swaraj.

—L.A.D. *op. cit.*, p. 411.



benches opposite as to what the Congress really stands for, because opinions have been attributed to Congress leaders which they never entertained. Now, it is true that if the Resolution which has been so ably moved by my friend Lala Lajpat Rai had been framed by me it would certainly have been differently worded. We should have omitted the word "present" which has been so much relied on by my friend the Honourable Mr. Jayakar<sup>9</sup> but it did not prove acceptable to some members of the Nationalist Party. We reconsidered the whole situation and came exactly to the conclusion which you, sir, were pleased to announce as your ruling<sup>10</sup> at the very beginning of the debate, namely, that the substance of the Resolution was whether or not the Statutory Commission should be co-operated with. The reasons did not matter. In fact every Party has its own reasons. I do not for a moment mean to imply that the reasons advanced in this House are not good reasons or that they have been met by anybody who has so far taken part in the debate from the other side. What I mean to say is this, that though they have considerable force, yet the Congress goes much further and it is not concerned with this man or that man, with the constitution or the scheme of this Commission or any other Commission. We take our stand upon the broad principle that Parliament and the British public and the British Government have no shadow of a right to force a constitution upon us against our own will. Sir, so long as India is held under complete subjection, as it has been all these years, undoubtedly Great Britain and her Parliament must be the sole arbiters of her destiny and can enforce their will upon the subject people at the point of bayonet. But when you talk of giving even a measure of freedom to the subject

<sup>9</sup> Expressing the views of the Nationalist Party in regard to the constitution of the Simon Commission, Mr. M. R. Jayakar stated :

"Excepting our Congress friends whose is a clear point of view which we all respect and understand though not for the moment adopt, we have all said the Commission is unacceptable as at present constituted and as its scheme is announced at present. Even my Honourable friend to my left who has led the opposition to the Commission, and Sir Tej Bahadur Sapru, Sir Chimanlal Setalvad and all others who have gathered under their banner, have carefully said 'the present constitution and the present scheme of the Commission are unacceptable.' "

—L.A.D. *op. cit.*, p. 424.

<sup>10</sup> For the President' ruling herein referred to, see L.A.D., *op. cit.*, pp. 391-2.

nation, it is hypocrisy, it is dishonesty, to rely upon laws to which that people were no parties, to rely upon those laws, to restrict the limits within which such measure of liberty is to be given. If you come to consider the question broadly, surely the proper thing to do is to approach it unhampered by any considerations which may arise from such laws or rules which have been intentionally passed year after year to withhold what you pretend you are now giving.

Now, sir, the Congress stands to-day for complete independence. That is its goal. It was in the year 1924 that I had the honour to move a Resolution asking for a round table conference.<sup>11</sup> That was a Resolution which was assented to by all the parties and was carried in this House by an overwhelming majority. It asked that the round table conference should determine a system of full responsible Government for India. In 1925 again I had the honour to submit a Resolution, a very much modified Resolution, going into some detail, asking for what certainly was not full responsible government.<sup>12</sup> I made it clear at the time that it was not a Congress Resolution but that we had had to lower our demand considerably in order to attain the maximum of agreement between the parties. But I also made it perfectly clear that it was in the nature of an offer to the Government and that if the Government could not accept it we would not be bound by it the next day. The sands of time ran on and two years later we find that all political parties—when I say all parties I mean all the parties that matter—in the country, the Muslim League, the Liberal Federation, the National Congress, the Sikh League, a very large section of the mercantile classes and of the non-Brahmans, the Trade Union Congress and the Hindu Sabha—are all united now in the demand for full responsible government.<sup>13</sup> Sir, with your permission, I shall read a very concise state-

<sup>11</sup> For details, *see* p. 101, *supra*.

<sup>12</sup> Second Resolution in question was moved by Pandit Motilal Nehru in the Legislative Assembly on the 7th September, 1925.

—For details, *see* pp. 252-5, *supra*.

<sup>13</sup> Refers to the recommendations of the All-Parties Conference which met in Delhi in February and March 1928 and in Bombay in May of that year.

The Conference in their Report, recommended that "India shall have the same constitutional status in the comity of nations known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having



ment of that demand made by you only the other day in the course of a Press communique. What you said was:

“I and my friends of the Congress have consistently maintained that the question of relations between Great Britain and India can only be finally adjusted on the basis of India’s right to dominion status being acknowledged without any reservation and the method of giving effect to this decision being examined in some joint and equal conference between the plenipotentiaries of the two countries.”

That certainly, sir, was the position when you made that statement. But as I have said, the sands of time run on. The Congress met and with due regard to all that had happened, it definitely and clearly laid down that its goal was complete independence. By that I stand, and I say by that the whole country stands. It is true that various constitutions have been suggested and various parties talk of dominion status, by which is understood the kind of Government which prevails in Canada, in South Africa, in Australia and in the Free State of Ireland. Now I want it to be clearly understood that while the Congress stands for complete independence, it is fully prepared to consult and confer with all the other parties concerned, including the Government, as to the kind of constitution which is to be framed and which is suitable to the circumstances. Now it is clear that however complete the independence may be there must be some transition period and some transitory provisions to apply to that period. When I say that all parties in India are agreed upon complete independence I mean that when some of them talk of dominion status and things like that, all that is meant by them is that that would be only a kind of transitional constitution in order to attain to the goal of independence. Of course, it is difficult to foretell what time it will take, how long the transition period will be but that there must be a transition period admits of no doubt, and it is from that point of view that we have agreed, or at least are trying to agree, to come to a joint decision as to the nature of that constitution. Now, sir, that being the case, my party has no desire powers to make laws for the peace, order and good government of India and an executive responsible to that Parliament and shall be styled and known as the Commonwealth of India”.

whatever to consult any extraneous body as to what the constitution is going to be except in so far as the interests of that body itself may be involved; and for that purpose we are ready to negotiate, we are ready to enter into arrangements for the protection of British as well as any other interests that there may be in this country. But beyond that, I submit that we stand upon our right to complete independence. Now whether what I am asking is a thing that is merely fantastic or whether it is within practical politics is a matter which entirely depends upon the policy which the British Government employs. I will cite a passage from a very interesting and valuable treatise by Sir Tej Bahadur Sapru, till recently a very eminent authority and a great pillar of strength to the Government. He says in the preface to his book called *The Indian Constitution*:

“There are those who think that notwithstanding its many imperfections the present constitution should be given a fair trial, at any rate up to 1929. There are others who call for an earlier revision of it. There are yet again those who think that India must frame her own constitution. Whatever force there may be in any of these views, I am personally of opinion that the arguments which hold good to-day against a further advance will hold good equally in 1929. The real question is one of policy, and it is obvious that on such a question English and Indian opinion has differed in the past, is differing to-day, and I am afraid will continue to differ in the future.”

I fully endorse that opinion, and I say that it is absolutely futile to endeavour to reconcile Indian opinion with English opinion. Our interests clash. We do not use the same words in the same sense; and promises which bear one meaning to us are made with some other meaning in the minds of those who make the promises.

Now, sir, our position is that we are to gain our independence whenever it has to come, in the near or the distant future, not by the aid of the British Government or through Parliament but by self-determination and by our own strength. That is the decision of the Congress. We are not for any feeble steps to be taken from time to time in order to lead at some unknown period to some kind of responsibility in Government. The recent events in India amply justify what I have been stating to the House. What do we see



to-day? Parties that stood aloof entirely from all politics now taking an active part; parties which asked for reforms, small reforms, now standing upon their right to full responsible government. I say, sir, that the time is near when all these parties will range themselves with the Congress in demanding complete independence. Now on these considerations it will appear that we are not very much concerned with the controversy as to the constitution and the scheme of the Statutory Commission. But we fully agree in the criticism which has been made of that scheme, and in the reasons which have been advanced for rejecting it.

My friends of the other parties have put their case, and will put their case with ability and skill, and I do not see that I should be justified in going over that ground and taking up the time of the House, but there is one incident which has occurred to me and which I should like to mention, and that is that not long ago Lord Birkenhead publicly expressed the opinion that the Commission would be composed of the best brains of the Empire. These are his words, "the best brains of the Empire." But a study of the Act persuaded His Lordship to believe that he could only appoint Members of Parliament and that Parliamentary Commission could only mean a Commission composed of Members of Parliament. Now, sir, so far as regards the construction of the Act, I have read that section very carefully—section 84A—and I find that the words used are, "persons to act as a Commission". It was given to Lord Birkenhead to say that "persons" there means only Members of Parliament. Well, with due deference to His Lordship I can only say that an argument like this would not do credit even to a junior pleader in India. Then there is the Parliamentary Commission.

*Mr. President:* Order, order. I think I have given the Honourable the Leader of the Congress Party sufficient indulgence. I hope he will now conclude his observations.

*Pandit Motilal Nehru:* I am very sorry, sir, but I will not take the time of the House at any great length. I have simply to refer to one other matter which I had forgotten, and that is the telegram received by the Right Honourable Hartshorn, from the Leader of the Labour Party<sup>14</sup> in Parliament. This is the telegram:

"Reported here that if your Commission were successfully

<sup>14</sup> Mr. Ramsay MacDonald.

obstructed, a Labour Government would appoint a new Commission on another and a non-parliamentary basis. As you know, the procedure now being followed has the full confidence of the Labour Party, and no change in the Commission would be made.”

Now this message, sir, only aroused feelings of amazement and also of some pity in my own mind—amazement at the complete ignorance of the great ex-Prime Minister of conditions in India and pity at his imagining that he can influence Indian opinion by any number of threats. Now, for the thousandth time I declare in this House that it does not matter to us in the least what the Labour Government or any other Government can do or will do, and we are not at all concerned with that. We now stand on our own legs. Governments which have not paid attention to the lessons of history have invariably come to grief, to an ignominious end, and I have no doubt that what has not been accomplished by the statesmanship of England will be accomplished by destiny and destiny and the people of India will add one more to the long list of fallen Empires.

[The motion was adopted]



## Indianization of the Army\*

*Speaking immediately after His Excellency the Commander-in-Chief on the General Discussion of the Budget on 8th March, 1928.*

Sir, I have listened with great attention to the long expected announcement which has just been made by His Excellency the Commander-in-Chief.<sup>1</sup> I am sorry I have to confess that it leaves me cold.

\*The appointment of the Skeen Committee was in response to an undertaking given by Sir Alexander Muddiman in the Legislative Assembly on the 14th March, 1925, in the course of the general discussions on the budget. Sir Muddiman stated that the Government of India would consider the appointment of a Committee to examine the means of attracting the best qualified Indian youths to a military career and of giving them a suitable military education.

<sup>1</sup> While speaking on the Budget, His Excellency the Commander-in-Chief dealt with in detail on the army expenditure. His Excellency touched upon several policy matters and also detailed a number of concessions which the Government had made in favour of the public demands: He said:

“We wish to satisfy the legitimate desire of India to see steps taken by which the Indian people may be equipped to take an increasing responsibility for their own defence. The Government of India and His Majesty’s Government have frequently given expression to this desire, but on one fundamental condition, which I think all will agree with me cannot be ignored. That condition is the factor of efficiency. The Indian Army is at present no greater than—and many would say less than—the minimum required for carrying out its appointed role. It is responsible for the external defence of India and for internal security, for the security of Indian States, as well as of British India... In the general field of external defence, the world is not so peaceful that we can afford to make less efficient an Army already reduced to the minimum, and the corollary of this is that we can admit of no lowering of the standard of efficiency.”

Dealing next with the Skeen Committee’s Report, His Excellency the Commander-in-Chief announced that the Home and Indian Governments had been able to reach unanimous conclusion regarding Indianization of the Indian Army as a whole.

He emphasised three primary considerations :

- (1) Recognition that a further measure of Indianization in the Army was necessary;
- (2) There must be no diminution in the all-round efficiency of the Army in India;

*Contd.*

It is to my mind in perfect keeping with the policy to which we owe the Statutory Commission which is now doing wonders in the Madras Presidency. We know what those wonders are. It has entered into an alliance with all the Government publicity departments and also with that great news agency whose worthy representative we have in my friend, Mr. K. C. Roy in this House. That alliance is for the purpose of throwing dust in the eyes of the world. Sir, I have not the remotest doubt in my own mind that the announcement made this morning is a further step in the same direction. But I wish to tell all whom it may concern that it will no more deceive the public than have the glowing accounts which this mutual admiration society of seven has been issuing from the Madras side. Throughout the very graphic description of the great concessions that have been made to the public demand and especially to the recommendations of the Skeen Committee,<sup>2</sup> we find no real substance. The real thing which we wanted, is to be found nowhere. Now, sir, so far as the recommendations of the Skeen Committee are concerned, I must admit that I am one of those who found little reason to enthuse over them. I had once the honour of being on that Commit-

- (3) There must be no breakdown in the supply of British recruits to the Commissioned ranks of the Army.

The Government had accepted the initial recommendations of the Committee that the number of direct vacancies at Sandhurst open to Indians should be increased from 10 to 20 a year and that ten vacancies in addition be reserved for the Viceroy's Commissioned Indian Officers.

The principal of the existing 8 units scheme would continue, though the Committee recommended that it should cease. The Government had not been able to agree to another recommendation of the Committee, *i.e.* the immediate formation of Sandhurst in India.

—L.A.D. Vol. II (1928), pp. 1180-1 & 1185-6.

<sup>2</sup> The Indian Sandhurst Committee, or otherwise known as the Skeen Committee, was appointed in June, 1925, with the following terms of reference :

“To enquire and report :

- (a) By what means it may be possible to improve upon the present supply of Indian candidates for the King's Commission both in regard to number and quality.
- (b) Whether it is desirable and practicable to establish a Military College.
- (c) If the answer to (b) is in the affirmative, how soon should the scheme be initiated and what steps should be taken to carry it out.
- (d) Whether, if a Military College is established in India, it should supersede or be supplemented by Sandhurst and Woolwich so far as the training of Indians for the commissioned ranks of the Indian Army is concerned.”



tee, and I may say, without meaning any disrespect and with due deference to my friend Mr. Jinnah, that I felt a sense of relief at having had no hand in those recommendations when I saw them in print after my having retired from the Committee at an earlier stage.<sup>3</sup>

*Mr. M. A. Jinnah:* What do you feel now?

*Pandit Motilal Nehru:* I have the same feeling now; the feeling is more enhanced than it was, because even if everything suggested by the Skeen Committee had been founded in India, we would have been where we were for generations to come. But that was not to be. The insatiable greed of the Government for domination would not contemplate even at a remote date the contingency of India's standing on her own feet. As far as I have been able to understand His Excellency the Commander-in-Chief and the programme that he has laid before us,<sup>4</sup> it is simply a case of what is usually described as Indianization, at perhaps a brisker pace than it has been in the past. Now, I may say at once that the word "Indianization" is a word that I hate from the bottom of my heart. I cannot understand that word. What do you mean by Indianizing India? I think His Excellency himself was surprised at the use of the word. The Army is ours; we have to officer our own Army; there is no question of Indianizing there. What we want is to get rid of the Europeanization of the Army. Now, what are the chances of our doing so. No Sandhurst is to be given to India, which means a great variety of propositions. First of all, it will be said that without a Sandhurst of the precise type and of the standard of the real Sandhurst, there can be no proper military education, a proposition which I deny. The next argument is that even the ten cadets that are required for the real Sandhurst are not available. The third ground is that it must take a long time to have such an institution in India. Now, sir, I submit that not one of these propositions is sound. So far as the dearth of men and cadets in India is concerned, I have no diffi-

<sup>3</sup> Pandit Motilal Nehru resigned from the Skeen Committee on the 11th March, 1926. In his letter of resignation to the President of the Committee, Pandit Motilal Nehru wrote :

"I am sorry to say that owing to the recent political situation in the country, I find myself unable to continue to serve on the Indian Sandhurst Committee any longer... I am taking this step in the general interest of the country, as a necessary corollary to the recent action in the Assembly."

<sup>4</sup> See footnote 1, *supra*.

culty in saying that it is a calumny on the manhood of India to say that there is any such dearth. During the short period that I was on the Committee, I was convinced that it was not the dearth of men but the want of inclination to get at the proper men suitable for the purpose. What did we find? There were men sent to Sandhurst who were turned back because they could not even follow the language in which the lectures were delivered. And what do we find in this country? Thousands upon thousands of men who certainly are quite able to follow the English language, whoever the professor and whatever the strange tongue that pronounces it. But they were not to be taken. What was the greatest recommendation for selection. It was whether the father, grandfather or great-grandfather of the candidate had served in the Indian Army. That was the chief recommendation. However, I think that part of the case will be dealt with by my friend Mr. Jinnah<sup>5</sup> who was on the Committee all through and has certainly superior knowledge to my own from the material that was placed before the Committee. I base my position upon the single circumstance that you have provided nothing for the training of our men whom you can find in any numbers you like, provided you have the inclination to find them. An Indian Sandhurst is not to come into existence! What is to happen? Well, there are some more places for cadets to be thrown open at Woolwich, Cranwell and Sandhurst, and the process of what is called "Indianization" is to take its own course. Then the question formulated by His Excellency was: "Perhaps some Members would ask me—what about the future?" He raised India to the position of gods when he said: "The future is on the lap of India; it lies with India". What is poor, emasculated, helpless India to do with its teeming millions, with its thousands and thousands of capable, able-bodied and intelligent young men who are ready and willing to join the Army if they were given the chance, unless there is some means of training provided for them, unless they are admitted on their own merits and not on the merits or demerits of their

<sup>5</sup> Mr. Jinnah, in the course of his speech on the Budget, was silent re : the selection procedure recommended by the Skeen Committee. He, however, reasoned as below in support of his membership of the Skeen Committee :

"We must continue; we must produce what we consider a fair, reasonable and practicable scheme for the purpose of accelerating the Indianization of the officer-ranks of the Indian Army."

—L.A.D., *op. cit.*, p. 1192.



fathers and grandfathers? Sir, the whole thing is that there is no intention of putting India on her feet at an early date. That is the whole truth of the matter. However sugar-coated the announcement may be, however tempting the offer of admission into Woolwich, Cranwell and Sandhurst, the fact remains that no substantive advance has been made towards giving us a national army in the sense of its being officered by Indians.

Now coming to the question of expense of founding training schools and colleges, I say that if we can afford over 50 crores of rupees every year for the normal expenses of keeping up this large army, it is sheer hypocrisy to say that we cannot afford a quarter of that amount which I have no doubt will suffice to provide military schools and colleges all over the country. In order to meet our annual requirements we must find the 50 crores, but we can find no money for these training colleges. I submit that, if His Excellency the Commander-in-Chief were really to turn his attention to the military budget, he will find in that very budget enough funds to devote to purposes of training. However, as I have said elsewhere and here, I see no sign whatever in British statesmen of a real desire to give India what by word of mouth they say they intend to give. There is no real desire, and unless there is that real desire, India cannot progress.

I was rather amused at certain parallels drawn by His Excellency. One of them was that the Soviet Budget was much larger than the Indian Budget, that it had increased by 50 per cent. I have recently been in Soviet Russia, and I know why they are increasing their military budget, at least the reason which they gave me was that they are living in perpetual danger of England provoking a war with them. (*Laughter from the Treasury Benches.*) It is very easy to laugh, but I think many of those who laugh have not been admitted into the confidence of the War Office and know nothing about what the designs of the War Office are. What a comparison this is. What is the Army in Russia? It is a national army. It is the army of Russian peasants officered by Russians. Any amount of expenditure in face of a common danger will not be grudged. What is our army? I have not the slightest hesitation in saying that our army is a mercenary army employed by foreigners to put down their own countrymen, and to keep them under foreign heels. Surely no self-respecting nation will without compulsion contemplate such a contingency

as having to pay for a mercenary army in order to remain under control by an alien Government.

Then His Excellency said that some of the Indian soldiers who were sent to China made large remittances home. That again was a very interesting piece of information to give. Where did those remittances come from? Was it the savings from their salaries, or was it loot which they were allowed to make from the poor Chinese? If it was. . .

*The Honourable Sir Basil Blackett*: The savings of their salaries, Sir.

*Pandit Motilal Nehru*: What about their savings in India then? Why should they be able to save money in China, in a foreign country, and not in India?

*His Excellency the Commander-in-Chief*: I do not know why; but I can assure you they did save.

*Pandit Motilal Nehru*: I am sure they did; but probably they were let loose upon the poor Chinese who. . . (*Cries of "Withdraw" from the Government Benches.*) I am not going to withdraw. I repeat a thousand times that our soldiers were not used. . . (*Cries of "Order" and "Withdraw".*) You may shout yourselves hoarse. I will not withdraw. I say that our soldiers were not used for the honourable purposes for which a soldier should be used. (*Cries of "Hear, hear" from the Congress Party Benches.*) They were used in order to humiliate the nationals of another country who wanted to assert their independence against. . .

*Mr. G. M. Young*:<sup>6</sup> You said they looted.

*Pandit Motilal Nehru*: You exacted from them a duty which, if they had been independent, they would have refused to perform.

*The Honourable Sir Basil Blackett*: Will the Honourable Member substantiate the statement that they looted and that they were ordered to loot?

*Pandit Motilal Nehru*: What am I to substantiate?

*The Honourable Sir Basil Blackett*: A lie.

*Pandit Motilal Nehru*: Am I to substantiate what is human nature to my learned friends over there? I say it is human nature and I repeat it a thousand times over in spite of all the noise that has been made on the other side.

*The Honourable Sir Basil Blackett*: I say it is a foul slander.

<sup>6</sup> Army Secretary.



*Pandit Motilal Nehru:* Then you are so full of animal nature that you have no idea of what human nature is or ought to be. It is nothing but animal nature which prompted the sending of these troops there in spite of the protest we made in India. However, sir, leaving that alone, it is no consolation to any Indian that his countrymen who were soldiers sent to China were able to make remittances home from China.

Then His Excellency said that we will get advanced Indianization—that is his word again—in proportion to the advance in responsible government. Now, what are the steps that are being taken for any substantial advance in responsible government? There is the Statutory Commission<sup>7</sup>; as I said, it is assiduously busy in circulating glowing accounts of its own proceedings and in suppressing the real kind of reception that they are having. And what will they do? They have now given out the procedure which they mean to follow. That is a procedure, sir, which we, of the Congress Party, at any rate, will not submit to for a single moment. How is responsible government to be granted to India? The Army is kept apart. The Army is no part of responsible government. There is a separate committee to go into the question of the Indian States. They are not in India. And yet responsible government is to be granted by some miracle by this Statutory Commission to India. It is not pretended that responsible government is to be given; it is only a progressive advance that is going to be made; just as His Excellency the Commander-in-Chief has said increasing responsibility in the Army, corresponding to progressive responsibility in government. . .

*Lala Lajpat Rai:* There is nothing to prevent them saying that we should go back on the existing reforms.

*Pandit Motilal Nehru:* I thought you said going back without doing anything; I am sure they will go back after doing some mischief. However, sir, this is an age-long affair. There have been Empires before this which have done the same thing. They have ignored the lessons of history, and the British Empire is doing the same. I will not say more on this occasion but sit down after again repeating the warning that the day of reckoning is not very far.

<sup>7</sup> For details, see pp. 335-44, *supra*.

# Money for the Statutory Commission

*Speech delivered while moving his motion that the Demand under the head 'Miscellaneous' be reduced by Rs. 3,40,000 on the 13th March, 1928.*

Sir, I beg to move:

“That the Demand under the head ‘Miscellaneous’ be reduced by Rs. 3,40,000.”

Sir, the motion that I have placed before the House is a necessary corollary to the Resolution adopted by this House on the 18th February, last.<sup>1</sup> The Resolution runs as follows:

“This Assembly recommends to the Governor-General in Council to inform His Majesty’s Government that the present constitution and scheme of the Statutory Commission are wholly unacceptable to this House and that this House will therefore have nothing to do with the Commission at any stage and in any form.”

The Demand<sup>2</sup> to which my motion relates is for the expenditure of this very Commission which the House has decided it will have nothing to do with. I submit, sir, that that decision stands and it is not open to the House to grant this Demand. The only course which is the logical result of the Resolution and the only course which is consistent with the dignity and honour of this House is to throw out this part of the Demand which I am attacking by my motion. It has to be remembered that when that Resolution was passed there were Honourable Members who voted for it and

<sup>1</sup> For details, see L.A.D., Vol. I (1928), p. 506. For Pandit Motilal Nehru’s speech on that Resolution, see pp. 335-44, *supra*.

<sup>2</sup> “That a sum not exceeding Rs. 16,43,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st of March, 1929, in respect of ‘Miscellaneous’.”

—L.A.D., Vol. II (1928), p. 1379.



they were in majority and there were those who voted against it. My humble submission to the House is that we both of us, both those who voted for the Resolution and those who voted against it, are concerned equally with upholding the dignity and honour of the House. That being so, I submit that it is the duty of one and all of us to support my motion. It is true, sir, that when a matter is before the House which is an open question every Honourable Member has the right to hold his own opinion and to speak and vote in accordance with that opinion. But in the present case I maintain that we have fully exercised that right and, not only that, but have wholly exhausted that right by taking the verdict of the House on the merits of the question. It is now the plain duty of all Members to enforce that verdict by throwing out this Demand.

There is another aspect of the question so far as my Honourable friends who voted against the Resolution are concerned. I take it, sir, that all of them, officials and non-officials, elected and nominated, are staunch upholders of the constitution. I call upon them one and all to support the constitution<sup>3</sup> by supporting my motion, as that is the only way in which they can support the constitution.

There is yet another ground which I shall place before the House and upon which I claim that every Honourable Member should support my motion, and that is this. It will be remembered that we have been reminded in season and out of season that the Statutory Commission is a Parliamentary Commission, and that we, either in this House or outside it, have no voice either in the constitution or the procedure of the Commission. Well, that being so, it is Parliament who should in the ordinary course of things nurture its own child and not foist it upon us. It is Parliament who should call

<sup>3</sup> While replying to Pandit Motilal Nehru's motion, the Home Member, the Honourable Mr. J. Crerar, gave counter arguments in regard to what exactly was the constitutional position for voting in favour or voting down the Grant in question. He said :

"The House is now invited to make the necessary grant for funds, and the constitutional position is that as regards the general object... nothing can be done without the intervention of Parliament. The Statutory Commission is the instrument appointed through which this House, every political party, the whole country, can support the constitution. And I submit that if we really do intend to support the constitution, we ought to provide the funds which are necessary to enable that constitutional instrument to carry out its ordained operations."

—*Ibid.*, p. 1381.

the tune and it is Parliament who should pay the piper. So far as we are concerned, we have refused even to listen to that tune. I, therefore, submit that there is no occasion for us to entertain this demand. I can understand that if we had accepted the Commission and proceeded to appoint a committee to collaborate with it, there might have been some sense in our being called upon to contribute at least a part of the expenditure which would be incurred by our own committee. As it is, however, we have done nothing of the kind. On the contrary, we have declared emphatically and in unequivocal terms that we shall have nothing to do with the Commission in any form or shape, and yet, sir, we are asked to co-operate with it in the most substantial form, namely, that of finding the money for it—and not only finding the money, which is for the legitimate work of the Commission, but to treat them as our guests and to pay even for the propaganda which they are carrying on against the Resolution of this House. We are asked to find the money for their triumphal progress in the country, while the Government is protecting these unwelcome guests against their own hosts by police cordons and by orders under Section 144 of the Code of Criminal Procedure, and these orders are passed and enforced while the procession marches through a seething sea of black flags and occasional riots. The grim humour of the situation is only equalled by the atrocious demand and both are surpassed by the audacity with which the demand is made.

I hope, sir, and I am confident that the House will rise to the occasion and uphold its dignity and honour and not submit to the shabby treatment to which it has been subjected. I submit, sir, that we should be stultifying ourselves and this House if we grant this Demand. I do not propose, sir—but I should like to have your ruling on the subject—I do not propose on this occasion to go into the merits of the question as I maintain that those merits are now closed, and the House having pronounced upon them, it is not open to any Member to go into them. But should you rule, sir, that it is open to us to discuss the whole thing, I would like to say a word or two on the merits as a whole.

*Mr. President:* What is the exact point the Honourable Member raises?

*Pandit Motilal Nehru:* The point I raise, sir, is that so far as the merits of the question, namely, that of the constitution and of



procedure of the Statutory Commission are concerned, it is not open to the House to discuss them afresh after it came to the decision which it did on the 18th February last; but should you hold that it is open, I would like to address the House upon that point also.

*Mr. President:* The established Parliamentary rule of debate is that no Member is entitled to speak against or reflect on any determination of the House except on a motion for rescinding it. This is not such a motion, and, therefore, no Member will be entitled to speak against or reflect on the determination of this House arrived at on the Resolution of Lala Lajpat Rai. What the Honourable Member proposes to do now is, not to reflect upon the determination of the House but to speak in support of it. But if I were to allow the Honourable Member to speak anything in favour of the determination of the House already recorded it would be unfair to shut out the other side. Therefore, I rule out every argument in favour of or against the determination of this House.

*Pandit Motilal Nehru:* Your ruling, sir, makes my task all the more easy and I do not wish to detain the House at any greater length than I have already done. I wish only to repeat that I put my main point on two broad grounds. The first, as you have been pleased to point out, is that this House has already come to a decision which we must uphold and which it is the duty of every Honourable Member to support, and the second is that as on the showing of the Government itself this is a Parliamentary Committee, it is the business of Parliament to supply it with funds and not of this House.

With these remarks, sir, I move my motion.

[The motion was adopted]

## Finance Bill

*Speech delivered while opposing the motion\* to pass the Finance Bill moved by the Finance Member, on 17th March, 1928.*

Sir, I have often spoken on this motion and I had no intention at all to intervene in the debate to-day. But the words, which we have just heard from Mr. Moore<sup>1</sup> have compelled me to rise and answer him on the spot. It was very painful to me to listen to the long and learned speech of my friend, Pandit Madan Mohan Malaviya.<sup>2</sup> He was addressing the Benches opposite as if they were amenable to reason: he was trying to convince them, to put arguments before them and what was more painful to me was that they neither took him seriously when he put forward those arguments,

\* The motion before the House was:

“That the Bill to fix the duty on salt manufactured in, or imported by land into certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax,” be passed.

—L.A.D., Vol. II (1928), p. 1572.

<sup>1</sup> In his concluding remarks, Mr. Arthur Moore fervently appealed to Pandit Motilal Nehru and others not to vote against the Finance Bill:

“You are now at a point when the question that has come up for examination is Parliamentary government. Now, whether or not Parliamentary government in the full sense is possible in this country, I do not know; I do not think that any one knows. But I have a strong sense that to-day’s vote is critical; and when all is done and when all is over it will be no use saying ‘It was their fault; they goaded us.’ History will not pay attention to that. They will say ‘were those who threw out the Finance Bill capable of Parliamentary government’ ?”

—L.A.D., *op. cit.*, p. 1681.

<sup>2</sup> Pandit Madan Mohan Malaviya maintained that barring the removal of the cotton excise duty, the Finance Department had done nothing to improve the financial situation of the country for which they deserved credit. Taxation continued as high as during the war and had not reduced even after so many years of continuous high taxation. The exchange ratio of 1s. 6d. was passed despite the opposition of the popular representatives because of manoeuvres resorted to by Sir Basil Blackett.

—For details, see L.A.D., *op. cit.*, pp. 1653-70.



nor did any one on this side believe seriously that his arguments would go with them. Now he might as well have addressed his long arguments to stone figures. But he persisted and I admire his faith.

My position and the position of my Party has been made clear so often that I should not have felt it necessary to do so again. But the great prophet of the future, my friend the Honourable Mr. Arthur Moore, has foreseen from his place to-day what the future generations will say about our throwing out the Finance Bill, and that tempts me, sir, to make a similar attempt. He has gone over the history of this institution from the days of the first Assembly up to this hour.<sup>3</sup> He has shown how satisfied he was by the exploits of the first Assembly, how they had enhanced the reputation of India and of themselves for statesmanship but for one mistake that they made, and that was in the matter of reducing the salt tax. Then the ban was lifted by the Congress, and the Swarajists came into the Assembly and the reputation of India went down at once. And why did it go down? Because they made a number of cuts; they threw out the Finance Bill. But thereafter things began to improve slowly and after some time Members on this side of the House took part in the Standing Committees and the Select Committees and put in some public work which, in other words, was Government work. Well, thereupon again the barometer of reputation rose a little. Now, we are trying to-day to do the same old thing in the same old way, that is to say, to throw out the Finance Bill. Well, I do not know if we shall succeed in throwing it out.<sup>4</sup> As I understood my friend,<sup>5</sup> who has started the opposition, he made a number of appeals and expressed a number of hopes which show that he does not really mean to throw out the Bill by the vote of the House but only to mark his own disapproval. However that may be, if there is any party in the House which seriously entertains the idea of throwing out the Finance Bill, the whole of the Congress Party will join and with their solid vote help to throw it out. We have no compunction on that score, and we are not afraid of losing our reputation. Whatever conception of our reputation my friend

<sup>3</sup> For details, see L.A.D., *op. cit.*, pp. 1679-81.

<sup>4</sup> The Opposition was disappointed because the Government motion was adopted.

<sup>5</sup> Refers to Pandit Madan Mohan Malaviya.

—See footnote 2, *supra*.

Mr. Arthur Moore may have, I think, sir, that we have enhanced the reputation not only of our Party but the whole of our country in all the countries of the world including England. Whatever may be said inside this House, I have heard things with my own ears, I have heard Parliamentarians in England, I have heard public men in other countries, and there was not one man who blamed us for our action. Indeed, what they said was, that the only effective step by which we could follow up our action was revolution. Well, if we did not resort to that step we deserve to be thanked and not blamed by the Government. But why did we not do it? Simply because we knew our limitations and we could not do it. The whole point of throwing out the Budget and the Finance Bill is not that we are actually refusing supplies to you. We know it is not in our power effectively to refuse supplies to you. You can take them for yourself without us.<sup>6</sup> But the point of it is this, that we, as a self-respecting people, will be no parties to granting these supplies to you. You can take them by force and the only word in the English language which applies to such taking is the word "robbery". The money which is votable is at the disposal of this House. The House either grants it or not. If the House does not grant it and it is taken in spite of the House, I say it is taken by force, and the only word for that process is "robbery".

*Sir Darcy Lindsay:* Is it robbery to charge for your postage?

*Mr. C. S. Ranga Iyer:* Taxation without representation is robbery.

*Pandit Motilal Nehru:* I say that if grants are disallowed by this House and if any authority then allows them, it trespasses on the rights of the House. It takes property which is at the disposal of the House without the consent of the House, and that, any one can inform you, is the very definition of "robbery" in law. But is it any use making appeals to the Government Benches to introduce reforms, to do this and to do that? At one time I was also inclined to think that there was some substance in the assurances which were made from time to time from the highest to the lowest rung of the official ladder, that it really was the intention of the British Government to set India free one day, to give her full responsible Government. But when I now, with the experience I have had of

<sup>6</sup> Under Section 67A of the Government of India Act, the Governor-General in Council could restore cuts made by the Legislative Assembly by certification and thus the Executive was armed to override the decision of the House.



this Assembly and of the march of events especially during the war and after the war, review the situation, I find that it is puerile for anybody to think that the British Government seriously intends at any time, either in the remote or in the near future, really to give responsible government to India. What is the position? What is the world position? England owes her supremacy in the world solely to her possession of India—to the Indian Empire. That supremacy in the world we cannot expect England to give away in a fit of generosity simply in her anxiety to put us on our own legs. It has been said that a strong India, an independent India, on her own legs will be a greater asset to the British Empire than India as she is to-day.

*The Honourable Sir Basil Blackett:* Hear, hear.

*Pandit Motilal Nehru:* Although my Honourable friend, the Leader of the House, says “Hear, hear” I am sure that no Englishman is so simple as to think that a free India standing on her own legs will never have any regard to her own interests and will always side with the British Empire. A free India in all cases of emergency must naturally have regard to her own interests, and if her interests require that she should continue the British connection, she certainly will continue it. What is the case of your Colonies? Do you mean for one moment to contend that if the interests of the Colonies require that they should break away from the British Empire, they will hesitate one single moment to do so? It is futile for anybody to say that a strong India will be a great asset to England under all circumstances. It would be so only under certain circumstances. But you are doing everything to make that impossible. If India has got to get whatever it can get in spite of you, you cannot expect India always to stand by you after she has got what is her due. Here is a cutting that I have preserved from one of the newspapers which give Lord Birkenhead’s view on the question of the importance of India to England, but mind you, it is the importance of an India which is at England’s beck and call, and not the importance of a free India standing on her own legs. He says as to “what would happen if the English abandoned the ‘great heritage’ of the past”:

“India is an incalculable asset to the mother country. The commercial prosperity of Great Britain is bound up with that of India. The severance of the tie that binds India to the Empire

would be a crushing and irreparable disaster to England. In the fabric of our great Empire India is a vital part. Unless we are content to sink into political and commercial insignificance, the surrender of India would be an act not only of folly but of degenerate poltroonery. To make such a surrender would be to remove the keystones of the arch. The loss of India would be the first step in the disintegration of the Empire, for strategically our Eastern Empire pivots on India, and surrender or withdrawal would involve other of our possessions in ruin or in isolation."

That is what Lord Birkenhead said sometime ago. If that is the real situation, and if it is true that is the importance of India to the British Empire, I ask reasonable men, would England take any steps which would imperil that position, which would make it possible for India to assert herself in a manner which may mean the isolation and ruin to which Lord Birkenhead refers? So, I say that I do not believe, I say it is not reasonable to believe, that England of her own accord would put herself in a position which may at one time reduce her to the condition so graphically described by Lord Birkenhead. What is the upshot of all that? The upshot is that England is never going to make India free in the sense in which the colonies are, because dominion status involves the right of separation. No Englishman is so simple as to think that England will confer that right upon India at any time. That being so, what can you expect to happen? If this diadem on the crown of England is to be preserved, the dependence of India on England has to be continued as long as possible. Is it any use making plaintive appeals to the bureaucracy to give this and to give that, when it is not in the interests of the bureaucracy to give you what you really want? Of course, there will be concessions made, small crumbs thrown from the table, and some people will pick them up. But I can assure the House that it is very much mistaken if it thinks that the conditions which existed at the time of which my Honourable friend, Mr. Arther Moore, spoke, *i.e.* of the first Assembly and prior to that—if it thinks that those conditions are still existing.

As you are aware, the Indian National Congress has already declared for independence. I am not ashamed to say, and I am not afraid to say that I stand by the National Congress.

My Honourable friend Colonel Crawford yesterday told us what



he had dreamt or imagined about an Indian army being led by Field Marshal S. Srinivasa Iyengar with my friend Mr. Goswami playing some subordinate part.<sup>7</sup> He said "What would they do? They would give long discourses on questions of law or something of that kind." Now, what are the implications of that? I would for one moment appeal to Colonel Crawford. Why is it that you are again and again trying to deprecate our abilities in those walks of life in which we have distinguished ourselves? You know that the moment there is free competition between Englishmen and Indians, you will be nowhere. Look at the professions. And in this connection may I point to one of the departments of life in India where you have allowed the same opportunities to an Indian as an Englishman possesses—the Bar. Could you tell me where an Indian has failed to hold his own against an Englishman? Take other professions, take the higher judicial posts, the High Court Judgeships. Is there any Indian who is inferior in those posts to his fellow officers in the same department? I say that it is not generous, to say the least of it, to taunt us by saying "Oh, you have no arms, no training. You can only discourse on law, logic and philosophy. Those things cannot carry you against an enemy". Give us the chance in the very department of which you are so proud—I mean the Army. You know what the Indian rank and file can do. You have yourself spoken in very high terms of them.<sup>8</sup> Well, let us brush shoulders with you as officers on terms of equality and then it will be time to tell us whether we can speak of law only or we can do other things as well which will surprise you.

<sup>7</sup>While speaking on the cut-motion of Diwan Chaman Lall relating to the Army Department, Col. Crawford, who reacted strongly to the appeals of Mr. Iyengar and Mr. Goswami for the votes of Censure, said:

"I have, sir, drawn from my imagination a picture of the type of army which we might expect under Field-Marshal Srinivasa Iyengar, who would be supported by bodies of learned gentlemen moving appeals in the High Court, with a further body of politicians as shock troops firing off votes of censure, the advance of the whole army covered by a barrage of words under the direction of Mr. Goswami. But I could not persuade myself to believe that the idea of having such an army at the present moment was at all attractive. It might be that in the future, when your League of Nations has developed and nations take their cases to be fought out in the courts of the League, such an army, which, mind you, will be an expensive army, may, anyhow, in the first instance be of some use."

—L.A.D., *op. cit.*, p. 1499.

<sup>8</sup> See footnote 7, III, *supra*.

Now, the fashion is to deprecate all that we do, attribute motives to us and to say that we are dreamers, that we do not mean business. Well, one newspaper in England, the *New Statesman*, has gone to the length of accusing us of being office seekers, accusing members of the Congress Party of being office seekers. This *New Statesman*, is the great champion of the Imperialist Labour Party. That paper in a fit of rancour says, while abusing me, that "if the English withdraw the Nehrus will disappear in impotent obscurity". By Nehrus in the plural it probably means myself and the members of my Party. Well, sir, all I can say is this, that it is a lie and a calumny upon the Congress Party to say that any one of them is an office seeker, but as to myself and the other members of my Party sinking into obscurity, well, that is a matter, that is a thing, which we shall never forget. In fact that is a fate which we covet. Our ambition, our highest ambition, sir, is—and let me say it in all humility—our highest ambition is to be buried in the foundations of a free India, and then sink into obscurity to be thought of no more. Who can thwart that ambition, I ask? Can all the mechanised forces of the Empire thwart it? No, sir, the ambition to work for the independence of one's country and to die for it cannot be thwarted by any human agency. We shall work on the foundations; I know we have not gone beyond the foundations; we shall continue to work on those foundations until we drop down dead and be buried in them. But I can assure you that we shall drop down dead in the supreme satisfaction that the noble edifice of the freedom of India shall in the fulness of time rise on our bones.



# Violations of the Privileges of the House

*Speaking while drawing attention of the House with regard to comments and statements in the various newspapers against the ruling of President Patel on 14th September, 1928.*

Sir, I beg permission to draw your attention and the attention of the House to a series of gross violations of the privileges of this House which have taken place during the last few days. Statements and comments have appeared in the Press which constitute very serious charges against you, sir, as President of this House and thereby against the honour of the whole House. The first of these charges was made in the *Times of India* in its issue of the 8th September, and that is, as far as I can see, the beginning of this campaign of vilification. It is stated at page 9 of the issue of the 8th September:

“The Home Member this afternoon made his promised statement in reply to that by the President yesterday in regard to the institution of a separate Assembly Secretariat. A good deal of publicity has been done in preparation of this discussion in order, apparently, to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody.”

—I wish the House particularly to notice these last words—

“When the subject began to fill the air sometime ago he asked in a proper official quarter whether any information could be vouchsafed about it and was given, as a courtesy to the Assembly President, a polite but decided answer in the negative.”

Now, sir, it is a very common device adopted by journalists of a particular class to make a definite suggestion and say that no suggestion is meant. I submit that this denial of any suggestion—

“your correspondent makes no suggestion that this publicity was inspired by anybody”—will strike any reader as a suggestion that publicity was done in favour of your scheme by yourself. Read the whole passage and examine it in the context in which it appears.

Then, sir, we find another statement in the same issue and on the same page. It runs thus:

“The President then, without mentioning the Government’s plea of urgency or referring to what the Law Member had said, ruled that as copies of the Bill had not been made available for three days the matter should stand over.”

Here, sir, is a clear charge of partiality against the Chair and it consists of an utter falsehood, namely, that you did not refer to what the Law Member<sup>1</sup> had said on the motion in question.<sup>2</sup> The House will remember that the motion was a point of order taken by me, that it was *ultra vires* of this House to take up the consideration of the Bill called the Public Safety Bill. Then, there is a suggestion that you purposely did not refer to the answer by the Honourable the Home Member<sup>3</sup> to your question about the urgency of the measure. Now, the House will remember that, after I had made my motion and after some speeches were made by the Honourable the Home Member and others, the Chair was pleased to ask the Law Member, who was present, to help the House with his advice. The Honourable the Law Member relied upon the previous publication of this Bill in the Gazette and said that Order 38<sup>4</sup> upon which I relied did not apply. Immediately after that or in the course of the debate—I cannot say as to the exact point of time—the Chair was also pleased to ask the Home Member whether there was any urgency in the matter. As far as I can remember—and here I speak subject to correction—the answer was that the Government considered it to be a matter of great urgency. No special facts constituting the urgency were brought to the notice of the House, but what was stated was that in the opinion of the Government

<sup>1</sup> Mr. S. R. Das. For details, see L.A.D., Vol. III (1928), pp. 303-04.

<sup>2</sup> For details, *ibid.*, pp. 299-305.      <sup>3</sup> Mr. J. Crerar, *ibid.*, pp. 300-01.

<sup>4</sup> Standing Order 38 says what motions may be made after a Bill has been introduced. It also provides that :

“No such motion shall be made until after copies of the Bill have been made available for the use of Members.”



it was a matter of the greatest urgency. I shall draw the attention of the House now to your ruling, so that the House can see whether there is any foundation for the statements made which I have just read out. Your ruling is not a long one, sir, and with your permission I shall read it:

“It is a very difficult question as the Law Member has already pointed out. I think all difficulties will be solved if I were to postpone a decision on this question. That will mean that the consideration stage would go to the next day and no difficulty would arise. But I do not propose to take that course. I take the responsibility of giving my own ruling, as I understand it. There is absolutely no doubt that this motion cannot be made unless copies of the Bill had been made available to the Honourable Members three days before to-day. The question is whether in this case copies of the Bill have been made available to Honourable Members three days before to-day. I am clearly of opinion that publication of the Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the office to make copies available to Honourable Members.”

I put it to the House whether this is not disposing completely of the argument of the Honourable the Law Member. The ruling continues:

“That expression has a special meaning attached to it by the Standing Orders; and in the absence of any direction by my predecessor as to the manner in which the Bill is to be deposited at the places in which it is to be deposited, I am afraid I must hold that copies of the Bill have not been made available to Honourable Members three days before to-day. I therefore rule that this motion cannot be made to-day, unless the Standing Orders are suspended. As no request has been made in this behalf, it is unnecessary for the Chair to consider that point.”

Now, sir, it is very true that you did not refer to the answer of the Honourable the Home Member to your question about urgency. As will be apparent to the House that question and that answer, if they were relevant at all, were relevant to the question of suspen-

sion of the Standing Orders. You disposed of that, sir, by saying that there was no request before you and, therefore, you could not go into the question. I, therefore, submit that it is a malicious suggestion to say that you purposely omitted any reference to the answer of the Honourable the Home Member. That is number one.

Then we find it reported in the *Indian Daily Mail* of the 10th September, published in Bombay, which publishes a *Free Press* telegram stating the message of the Simla correspondent of the London *Daily Telegraph* sent to that paper. It says:

The Simla correspondent of the *Daily Telegraph* sends a lengthy report in the course of which he says:

What follows is a quotation—

“Pandit Motilal Nehru’s scheme to outwit Government (by postponing the anti-Communist Bill) succeeded, thanks to the responsive President of the Assembly . . .”

— The meaning there, the insinuation there, is quite clear —

“ . . . President Patel”

— It goes on (again a quotation) —

“quite conveniently refrained from giving Mr. Crerar an opportunity to make an application for the suspension of Standing Orders . . .”

— This is a direct and definite charge —

“The decision given by Mr. Patel is regarded as illogical, to say the least, and it is strongly suggested . . .”

— I would call your attention to these words —

“ . . . and it is strongly suggested that it was due to pressure brought to bear on behalf of Party interests.”



There cannot be a more scandalous libel on the President than this.

*Mr. President:* What paper is it?

*Pandit Motilal Nehru:* This is a quotation from the message sent by the Simla correspondent of the *Daily Telegraph* of London, and I am reading from the *Indian Daily Mail* of the 10th September, 1928. Then it goes on:

“It is abundantly clear that the Department”—

— With reference to the Assembly Secretariat —

“cannot be separated from the Government<sup>5</sup> and placed under the control of a body which from political motives misinterpret rules and regulations warping them to suit Party purposes.”

This, I submit, sir, is most malicious:

“He also says”

— This is the indirect report of the *Free Press*; it is not in inverted commas —

He also says that it is considered that the misuse of powers entrusted to alleged responsible men which is manifested to-day, is a warning of the grave responsibilities involved in increasing the facilities for the Assembly in the matter of management and control.

Now, sir, I do not know, who this Simla correspondent of the *Daily Telegraph* is, but if he is what he describes himself to be, he should be in the Press Gallery and subordinate to your jurisdiction.<sup>6</sup>

<sup>5</sup> Refers to the suggestion of the President for the institution of a separate office independent of the Executive for the Legislative Assembly. The President made a statement in this regard in the House on 5th September, 1928.

—L.A.D., *op. cit.*, pp. 219-23.

<sup>6</sup> The questions of privileges have been raised and notice taken of such things several times in the House of Commons. In this regard *May's Parliamentary Procedure* says at page 89:

*Contd.*

Then we come to some very serious disclosures made in the *Pioneer* received yesterday. Here we have the correspondent of the *Pioneer* directly attributing certain conduct and certain statements to the members of the Government, to the Government as a whole, and to some individual members of the Government, not named of course. It is stated here :

“No one would mind the intensity of the combat if it were being fought cleanly, but your correspondent is reluctantly forced to call your attention to certain features and tactics which must be denounced. There can be no doubt that a definite move in the Government game is the discrediting of the authority of the Chair.

“Ever since the Commander-in-Chief episode<sup>7</sup> at Delhi earlier in the year, Mr. Patel has been on the Government black list.”

*(Laughter from the Treasury Benches.)*

It is no matter for laughter; it is a very serious matter.

“Long suspect, he is now openly accused in the Government lobbies by officials of being partial. ‘It is a put up job’, was the comment of one official Member on Pandit Motilal Nehru’s point of order on the Public Safety Bill. ‘Patel is dead against us’.”

“Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty have been treated severely by the House. On the 11th February, 1774, the Speaker informed The House of a letter in the *Public Advertiser* newspaper addressed to him reflecting on his character and on his conduct as Speaker. The House ordered the printer to attend, and resolved that the letter was ‘a false, malicious and scandalous libel highly reflecting on the character of the Speaker of this House to the dishonour of this House and in violation of the privileges thereof’. The printer was declared to be guilty of a breach of privilege and committed to the custody of the Sergeant-at-arms.”

<sup>7</sup> Refers to the following observation of the President which he made in regard to the absence of His Excellency the Commander-in-Chief from the sitting of the Legislative Assembly on the 10th March, 1928, when the Skeen Committee Report was being discussed :

“I regard it as highly discourteous on the part of His Excellency the Commander-in-Chief that he should come here and make a long speech, and then when a motion for adjournment is discussed on that speech, that he should not be in the House.”

—L.A.D., Vol. II (1928), p. 1293.



The words "It is a put up job", a remark attributed to one official Member on my point of order and the words "Patel is dead against us" are in inverted commas.

Then it goes on:

"Nor does the antagonism to the Chair end there. The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly . . ."

*Mr. President:* What newspaper?

*Pandit Motilal Nehru :* "The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly the other day of doing publicity work . . ."

— This is the *Times of India* —

"for his scheme of attaching the Legislative staff to the Chair and wilfully misreported the decision of Mr. Patel on the question of the proper publication of the Anti-Bolshevist Bill."

This remark, I can say, is perfectly correct. There certainly was a misrepresentation of your decision. The comment goes on:

"More serious and more derogatory to the dignity of the Chair are the telegrams which are being sent to a London newspaper by a Press correspondent in close touch with the Government . . ."

This is important—Simla correspondent of the *Daily Telegraph* is "in close touch with the Government."

" . . . In these, Mr. Patel is being definitely accused of partiality and bias. Now, if there were any foundation for suspicion as to Mr. Patel's conduct in the Chair, the proper place to raise the matter would be on the floor of the House. This the Government dare not do, because they have no case. Their present underhand action is caused by their chagrin at not being able to have things all their own way and is an attempt to cover up the Parliamentary

inefficiency of their Front Bench. It is difficult to believe . . . ”

— Now comes the very important passage —

“It is difficult to believe that the responsible Government spokesmen are actively concerned in this nauseating propaganda . . . ”

— Now come the important words

“but your correspondent has definite evidence which goes far to incriminate the Home Department.”

That is all that I need read, sir. Here are definite charges, made by the special correspondent, as he calls himself, of the *Pioneer*, both against the Government as a whole and some official Members who are not named here. It is suggested, sir, that you put me up to raise that point of order, that it was a put up matter between you and me and that it was pre-arranged that my point of order would be allowed. That is the suggestion made. Now, I want to explain to the House my part in the raising of this point of order. It struck me late on Saturday night. I consulted nobody, and I felt that it was a point which needed looking into for which I had no books at all. The next day was a Sunday and the Library would not be available to me. Well, it struck me that I might with propriety, ask the President to help me in this matter and I phoned to Mr. Patel if he could kindly oblige me by getting me some books that I wanted on a Sunday. He replied he could. The next day I sent through my typist a list of books I wanted, and a couple of hours later I found those books in my room. A chaprasi of Mr. Patel brought them. I do not know where they came from, but of course, they were Government books, and came from some Government Library. Then I studied the point. I made my notes. But I was undecided up to the very last moment whether I should take the point or not. On Monday morning, when I attended at question time, I went over to my Honourable friend Lala Lajpat Rai. I consulted him whether it was a point that I could properly take. The aspect which I put before him was this, that my point was based on the inherent rights of Englishmen and the liberties of Englishmen and whether it would look proper for me, an Indian, to champion the



cause of Englishmen in this House. Lala Lajpat Rai gave me the advice that it was a point which should be taken and that it did not matter whether it was the championing of the liberties of Englishmen or of any other class of people. It was then and not until then that I made up my mind to take that point. I believe my Honourable friend, Mr. Birla was also present at this conversation between me and Lala Lajpat Rai. So that you will see that it is a most pernicious thing to say that this was a pre-arranged thing, when the Mover, namely, myself, was not certain up to the very last moment if he should take the point of order or not. Then I can say, and I say this most emphatically before this House, that I never had and do not have up to this moment the faintest inkling as to what your ruling is going to be upon that point of order. This charge then against you and me, and I will say, against the whole House, is a most scandalous libel and the grossest violation of the privileges of this House and must be dealt with severely.<sup>8</sup>

Now, sir, I do not know what you will do, but I submit that if an enquiry is necessary you will be pleased to hold that enquiry about these allegations against Government as pointed out by the *Pioneer*. As regards the telegram to the *Daily Telegraph* which was cabled out here and also the remarks of the *Times of India*, I submit that you have ample jurisdiction to deal with them on the spot, but, of course, I will take your ruling whatever it is.

I do not wish to take up any more time of the House. My business was simply to draw the attention of the House to these gross abuses of privilege and I leave the matter entirely in the hands of the House and of the Chair.

<sup>8</sup> In this regard on behalf of the Government a statement was made by Mr. J. Crerar, Leader of the House, on the 22nd September, 1928, in which he said :

“Government have never had any reason on any occasion to question the strict impartiality of the ruling that you, sir, have given from time to time or of your conduct in the Chair and they have asked me to express their full confidence in the Chair. It follows that we must deplore and condemn, in common with Honourable Members sitting in all other parts of the House, all allegations and comments in the Press or elsewhere that may appear directly or indirectly to reflect adversely upon the impartiality of the Chair.”

In view of this statement, the President did not pass any stricture against Government but cancelled the Press Gallery tickets of the two correspondents of the *Daily Telegraph* and the *Indian Daily Mail*.

—L.A.D., Vol. IV (1928) pp. 1245-8 & 1342-3.

## Bolshevism

*Speaking on the Public Safety (Removal from India)\**  
*Bill on 14th September, 1928.*

Sir, I must congratulate the learned speaker who has preceded me on his maiden effort in sarcasm.<sup>1</sup> I waited patiently from beginning to end to find a word said about this Bill, but I was disappointed. It was, as has been suggested by a friend behind me, a barren speech. But it was not barren in words. It was very prolific in satire and I congratulate my friend, on his maiden effort as I understand it. I hope he will improve in course of time. But I must now talk as a man of affairs and on the Bill which is before the House. I must say at the very outset that I rise to oppose the Bill—whether it is commonsense or not in the opinion of my friend Dr. Suhrawardy,<sup>2</sup> and I also oppose the motion for reference to the Select Committee.

\* The following was the motion and amendments thereto moved on the 10th September, 1928, which was being considered by the House :

Moved by the Honourable Mr. Crerar :

“That the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, be taken into consideration.”

Amendment moved by Mr. Amar Nath Dutt :

“That the Bill be circulated for the purpose of eliciting opinions thereon.”

Further amendment moved by Sir Hari Singh Gour :

“That the Bill be referred to a Select Committee.”

—L.A.D., Vol. III (1928), pp. 444, 451 and 470.

<sup>1</sup> Dr. Suhrawardy strongly reacted to Mr. C. S. Ranga Iyer's reference to British Parliament as “barren mother”. This was Mahatma Gandhi's expression which Mr. Iyer used. Dr. Suhrawardy was of the opinion that but for this “barren mother” Mahatma Gandhi could never have conceived that abortive child called “Hind Swaraj”. He further said :

“Even my friend will admit that, but for that barren woman, this Assembly would not have come into being and become a spot ‘where girt with friend or foe a man can talk what he will’, sense or nonsense if he will.”

—L.A.D., *op. cit.*, pp. 765-6.

<sup>2</sup> Dr. Suhrawardy was in complete accord with the motion of the Home Member which the latter moved on the plea that there was a revolutionary movement in India. Dr. Suhrawardy said :

*Contd.*



Now, sir, that this legislation is of a repressive character<sup>3</sup> does not admit of any doubt. Three things have to be made out before any attempt at passing such legislation can succeed. The first is the urgency of the measure. The second is the justification for discarding the ordinary processes of law and trying to have extraordinary powers. Thirdly, even if extraordinary powers are necessary and required, it has to be made out that the weapons already in the armoury of Government of the same class are not sufficient for the purpose. We know, sir, that on our Statute-book there are repressive measures of various kinds, and, as I shall show later in the course of my speech, and as has in fact already been shown, if the only intention of the Government is to deal with Communism, to deal with these undesirable Britishers or aliens who may be found in this country, there is ample provision for it in the law either by a trial according to law or by resort to these lawless laws which have been allowed to remain on the Statute-book.

The very learned speech of the Honourable the Home Member<sup>4</sup>, which I listened to with the greatest attention, I submit, has failed

“Sir, it has been said by a gentleman from the Benches opposite in a speech, whether full or devoid of sense I leave it for Mr. Ranga Iyer to decide, that India need not be afraid of revolutionary movements. ‘There has been no revolution here for 3,000 years.’ I entirely agree with that. It is quite true. The benevolent despots of 3,000 years ago would never come before an Assembly representative or unrepresentative—and beg for power to deport undesirable aliens. They knew how to deal with them, and to give them the short shrift and extirpate Communism in thought and theory, root and branch, as they did with Buddhism in India and Mazadakism in Persia. They would never resort to the method adopted by the Honourable the Home Member. They knew of a swifter, shorter and cheaper method. They would have caught hold of them and cast them in grass sacks into the lakes of Kashmir or into the Indian Ocean to drown like puppies and pariah dogs. No wonder there had been no revolution in India.”

—*Ibid.*, p. 766.

<sup>3</sup> Section 7 of the Bill contained some extraordinary provisions from which it was obvious that the legislation was of a repressive character :

“No removal order shall be called in question in any Court or by or before any other authority whatsoever, and nothing in section 491 of the Code of Criminal Procedure, 1898, shall apply to any person who has been committed to custody under Section 6 or any other person in respect of whom a removal order has been made; and no suit, prosecution or other legal proceeding whatsoever shall lie against any person in respect of anything in good faith done or intended to be done under this Act.”

<sup>4</sup> Mr. J. Crerar.

to make out any of these three points. It was, sir, an elaborate piece of literary performance; it may well have been taken as a prize essay on Communism or on the duties of Governments, but we did not hear any justification for this measure which he wishes this House to pass. He says, "I know more than I say, but I cannot divulge it". Well, sir, I do not think that any Member of this House is gifted with the power of reading the thoughts of the Honourable the Home Member. What he has in his mind, we are not gifted enough to deal with before he takes us into his confidence; but, so far, he has not taken us into his confidence as to what it is actually that has happened and is happening which has made this measure necessary. Of course he has described in glowing colours the danger of Communism<sup>5</sup>, the dangers of a Red revolution, and a great deal has been said on the floor of this House about the terrors of Communism. I could see my friend, Sir Hari Singh Gour, visibly affected while the Home Member was drawing a very graphic picture of those horrors. Well, I shall deal

<sup>5</sup> Mr. Crerar, supporting his motion, stated that the Bill did not penalise ideas or ideals at all but was intended to prevent Communistic ideals and ideas coming into active operation since the Communists had already expressed their determination to destroy the bourgeoisie and set up the proletariat. The Bill was not a complete panacea for the evil mentioned, but proposed to deal with certain aspects of the evil, which were imminent.

The Home Member quoted a number of documents to show that there was a Communists'-engineered revolutionary movement in India. He also read from the evidence produced in the High Court of Allahabad, in the revolutionary and conspiracy case of 1924:

"Mass action thus began, which developed into organised agrarian strikes, into food riots, the plunder of corn-stocks and assaults upon large estates with the idea of confiscation. The down-trodden peasantry must be made conscious of their right to live like human beings and our propaganda should be aimed at making them understand that they should conquer this right by military action. Such action properly organized on a large scale will arouse them from their age-long mental and spiritual slavery and make them conscious of their own right. Reactionary passivism must be repudiated. What burst out spontaneously at Gorakhpur, Rae Bareilly, Chauri Chaura, Malabar, Central India and what is going on in the Punjab must be developed by every possible means.

"Peasant revolts should spread like wild fire from one end of the country to the other. We must formulate our program to correspond to the economic interests of the masses, then go forward boldly with that program till we reach our goal."

—L.A.D., *op. cit.*, p. 446.



with them later, but for the present I want to confine myself to the business part and leave the sentimental part alone. We have got to examine the business part of the Bill from these three standpoints; is there any urgency for it, is there any necessity even if urgency is made out, to depart from the ordinary procedure of the law of the land, and to resort to extraordinary means, and even assuming, without admitting, that it is a case where the ordinary procedure of the law will not be enough, are there not extraordinary provisions of the law already in force of which the Government can avail themselves? My Honourable friend, Mr. Srinivasa Iyengar, showed by a comparison of the Regulations and Acts which are already in force, that no new law is needed.<sup>6</sup>

Now there is no doubt that things have happened in India which bear a very suspicious resemblance to the doings of Communists in other parts of the world. There is no doubt also that there are some people, but they are a very negligible proportion here who might be said to belong to the Communist Party, but no attempt has been made either on the floor of this House or in any court of law to connect the atrocities referred to with the Communists in India or elsewhere. In fact the labour unrest and cases of sabotage and other things which have happened may equally well have arisen from natural and economic causes. But because they are there and because this Red terror is also somewhere hovering about, it is argued that the one must be connected with the other. I submit that is a very false argument and will not be acceptable to this House. Why, I think, sir, it would be equally reasonable to say that all these labour troubles in the south of India and the wreck and

<sup>6</sup> Mr. Srinivasa Iyengar, who strongly opposed the Bill, was of the opinion that there was no necessity for the present legislation since most of the provisions of the Bill were already covered by the Indian Penal Code and Regulation III of 1864. He said :

“Sections 124A, 153A, I.P.C., the mischief and murder and abetment sections of the code and other cognate enactments apply to almost all the acts aimed at by this Bill. The assassination of public officials would be, I suppose, murder and there is very little difficulty about it, and in fact the guilty person would get an aggravated punishment under that charge. I submit, therefore, that no necessity has been made out for this, except by invoking the method which it proposes to adopt, the substitution of a Governor's certificate instead of an ordinary trial in a court of law for offences punishable under the Indian Penal Code or other enactments.”

—L.A.D., *op. cit.*, pp. 653-4.

ruin which has followed in their wake is due to my friend Mr. Srinivasa Iyengar and myself who have recently been to Russia. It is true and the fact is admitted. We have been there, my friend more recently than I. And we come back and say things; what is more reasonable than to believe that it is we who are the cause of the trouble. Is there any greater evidence against any Communist than that? The fact is that this great Government is in a state of panic and its mind is unhinged just by two persons. I do not know them at all personally. They may be very insignificant people; they may be very important people; but the names of Bradley and Spratt<sup>7</sup> are as red rag to a bull to the Government. But why cannot you deal with these two miserable creatures with all the armoury you possess? I really cannot understand that.

Then, sir, great reliance is placed upon a letter which is alleged to have been written—at least it is typed—at any rate the author is said to be M. N. Roy.<sup>8</sup> Now I was very anxious to see the original

<sup>7</sup> Messrs. Bradley and Spratt, who from some accounts came to India at the instance of the British Labour Research Bureau in London to study Indian labour conditions and collect statistics of wages, etc., were helping in the organisation of the labour with their trained knowledge. They were, therefore, a source of continuous trouble for the Government.

<sup>8</sup> Reference is to the following letter, alleged to have been written by Mr. M. N. Roy, quoted by the Home Member in his speech :

“We do not share the illusion that the Communist Party can be organised in India legally. But as men we are not in favour of self-liquidation. Fight for legal existence, but build the party illegally. Remain a legal body as long as possible, but build up a powerful underground organization. Preserve your legality as long as you can, but do not have it at the expense of activities essential for the growth of the party. The existence of the Communist Party should be known, every worker and peasant must know it, but don't emasculate the party with the banal and cowardly doctrine of bourgeoisie nationalism that all our activities are above board, we have nothing to hide. Every little act of a real Communist is a blow to Imperialism, and the Imperialist knows it; therefore, if the Communist does not act illegally he must pass his life in prison. There is no ‘fair play’, no gentlemanliness, in the revolutionary struggle. How to organise an illegal party...? Political party is a comparatively new thing in India; and there prevails a rather faulty idea about it. An illegal organization is traditionally associated with terrorist conspiracy, bombs and revolvers. It is not understood how a party can be illegal and carry on political activities.”

—L.A.D., *op. cit.*, p. 448.

Mr. M. N. Roy issued the following statement repudiating his authorship of the alleged letter attributed to him by the Home Member : *Contd.*



of this letter and I thank the Home Member for the courtesy of showing it to me. I have also been provided by the courtesy of the

“Some days ago, the *Times* correspondent from Delhi cabled what purported to be extracts from a letter written by me to the Central Committee of the Communist Party and the Workers’ and Peasants’ Party in India. According to the report, this letter, alleged to be written by me, was dated sometime in December, last year, but made public by the police only a few days ago . . . I hereby declare that I did not address any such letter to anybody in India . . .

“Obviously this latest ‘letter of Roy’ has been invented as a pretext for the proposed legislation against Communists. A cable to the *Times* dated August 24th, gives the purport of the Public Safety (Removal from India) Bill and says—‘Recent publication of M. N. Roy’s letter to the Communists in India has directed public attention to this evil’ (relation of the Indian labour movement with international bodies of similar character). If this letter proves the necessity for a new repressive legislation, why has Government been sitting tight on it all this time since December?

“The scheme of the thing is very obvious. The Imperialist Government wants to suppress the young labour movement in India. Some plausible pretext must be there. A ‘Letter of Roy’ is forced with a back date because one, supposed to be written just in time to help Government out of the difficulty, would be too ugly.”

Roy concludes with the hope that the elected nationalist members of the Assembly will throw out this repressive measure.

In this connection the following extracts from the speech of Mr. Ponsonby delivered in the House of Commons on the 26th May, 1927, with regard to the debate on the Labour motion opposing the termination of Trade Agreement with Russia will be of great interest. This will show how letters are forged and photographs faked for running an Empire. [Mr. Arthur Ponsonby was the Foreign Under-Secretary in the Labour Government and as such an authority on the connection between international diplomacy and espionage.] Mr. Ponsonby said :

“I have no respect for dirt even in high places. But what I object to more than dirt is hypocrisy which pretends that we are so pure that we do not indulge in any of these methods during war time. All this is recognised as part and parcel of war machine. You have lies, propaganda, atrocity-factories, telephone tapping, letter opening, department for forgery, department for taking photographs and that sort of things and each Government has it. We must really face facts when getting on our high moral horse that forgery, theft, lying, bribery and corruption exist in every Foreign Office and Chancellory throughout the world. This weapon is used during war because it is valuable. It is used during the so-called peace because peace is used for making preparations for the next war.”

When challenged by Sir Austen Chamberlain, Mr. Ponsonby said that during his career he had seen a document taken from the archives of a foreign country.

Honourable the Home Member with a printed copy of that letter. I have taken the trouble to compare the printed copy with the typed copy, as corrected, which is in the possession of the Home Department. Now, sir, I find that the corrections are mostly typist's errors; a word here and a word there, either added or substituted for a word already there. The rest is all in type. The letter is not signed by anybody; the name does not appear even in type. The forwarding letter is wholly in type ending with the words "Best Wishes, J." The sender calls himself "J". That is also in type. Then we come to the cover. The address is in manuscript and that address is supposed to have been examined, together with the corrections in the body of the letter, by experts in handwriting and they have pronounced the handwriting to be that of M. N. Roy. Now, all that they could possibly have done, and all that they probably did do, was that they compared this handwriting with other handwritings which were laid before them and all that they could say, and all that they probably did say, was that these writings were by one and the same person, whether it is M. N. Roy, or M. N. Banerjee or Bradley, we cannot say. Now, as every beginner in the practice of law knows, there are two things essential for a reliable comparison of handwriting, either it must be compared with an admitted specimen or it must be compared with a handwriting which is proved to be the writing of the man.

Now, I am sure M. N. Roy is not in communication with the Government and he has not admitted that those writings that they possess are his. How then were those writings which they possess proved to be his? By what evidence? I asked a question and I was told "internal evidence". I am not aware of any kind of internal evidence which would identify the writer of a document with the text of it, simply because it expresses certain views. Now, we all know what Communists' views are and I do not think great ingenuity is required to put them down on paper for anyone, and if those views are proved to be those of M. N. Roy, who has published many books, then the natural conclusion is that this letter is M. N. Roy's. Sir, I refuse to look at that evidence, in spite of the enquiry that I have made . . .

*Mr. President:* The Honourable Member has already looked at it.

*Pandit Motilal Nehru:* . . . as a piece of evidence. I have seen it, sir, and I have satisfied myself that that letter is not worth considering



as a piece of evidence. Now, a great part of the speech of the Honourable the Home Member was occupied by the reading of extracts, long extracts, from that letter. I do not wish to go into those extracts; they are not opinions which I can support nor is it for me to say that they are wrong or right, because they are not my opinions and I am not on my trial. But whether that letter has caused anything to happen in India which necessitates a measure like this is the question, and if it has really caused it, whose doing is it? I have here more substantial evidence of a higher class than is adduced to identify this letter with M. N. Roy. The letter was in the hands of the officers of the Government. The Press could not get hold of it except through the Government; and if that letter is responsible for any unrest anywhere, I submit that the initial responsibility lies with the Government. But we all know what it is and speakers who have preceded me have said what that means. We know the psychological moment at which that letter was published, the moment when the reforms and the constitution of India are in the melting pot, the moment when this Bill was decided upon. Publication shortly before that would form a useful first step to the legislation which is now before the House; otherwise why should it have been kept back so long? I find there is a mistake as to time. The letter is dated the 30th December and the forwarding letter is dated the 5th February and the postal stamp is dated . . .

*The Honourable Mr. J. Crerar:* 12th May, I think.

*Pandit Motilal Nehru:* It is the 16th May. If it is a letter which should have been published for some other reason, it could have been published long before but what earthly reason could there be for the publication of a letter of this character by the Government? Was it to instruct the people of India in the principles of Communism, or was it a step leading to something else? I cannot understand it. I submit, therefore, that the fact of publication of this letter at the particular time it was published, lends this legislation a very suspicious appearance.

Apart from that letter, the rest of the speech of the Honourable the Home Member was, as I have said, only a description of the terrors of Communism.<sup>9</sup> It might be enough to terrify old women and children, but I am sorry to say that it had no effect on hard-

<sup>9</sup> See footnote 5, *supra*.

headed men of affairs like us. But I heard nothing more astounding in my life than the assertion made by that great lawyer and my great friend, Sir Hari Singh Gour. He said it may be that the letter is not proved, it may be that M. N. Roy never sent that letter, and it may be that we cannot trace the authorship to anybody, but the mere fact that that letter exists in India is enough reason for taking some step to provide against Communism. That argument answers itself, and I do not think I need take the time of the House to deal with it.

*Mr. Kabeer-ud-Din Ahmed:* Has M. N. Roy denied the signature and his writing?

*Pandit Motilal Nehru:* There is no signature. Perhaps that was left to you. I thought the Honourable Member was following me. That letter, unfortunately, was not signed.

Then there was another argument adduced by the Honourable the Home Member, and the case tried by the Allahabad High Court was referred to.<sup>10</sup> That case cannot be referred to as a precedent for anything. Did you or did you not succeed in securing a conviction in that case? What was the difficulty experienced in the course of that trial as to the conviction of those men? Were there any witnesses shot? Is it pretended that exactly the same state of things prevails as was supposed to prevail at the time when the Bengal Ordinance was passed.<sup>11</sup> We have heard no facts about that; in fact we know of no cases except this Allahabad trial which ended successfully in convictions. But there may be others. If so, by all means try them. But if there are no reasons for passing this measure to be found in the speech of the Honourable the Home Member, it will live in the classical phrase "Communism in action." Communism in action is certainly more dangerous than Communism in theory, but has he illustrated that by any examples? Of course he

<sup>10</sup> *Ibid.*

<sup>11</sup> This is what His Excellency the Governor-General said in justification of the promulgation of the Bengal Ordinance of the 25th October 1924 :

"Terrorism of witnesses and juries, the failure of juries through fear to return verdicts in accordance with the evidence, the murder of witnesses and persons who have confessed or turned King's evidence, the fear of witnesses etc. to disclose facts within their knowledge, all combine to render justice unobtainable under the existing law. These have already operated in more than one recent case."

—For text of statement, see Mitra's Annual Register, Vol. I (1925), pp. 153-6.



falls back upon his confidential knowledge and his inability to advance.

Now, sir, I will not take the time of the House to go into legislation which is already disfiguring our Statute-book, and which fully provides for a case like this. I am thankful to my Honourable friend the Law Member<sup>12</sup> for pointing out in the course of his argument on the point of order<sup>13</sup> that Europeans were not excluded from the operation of Regulation III of 1818. Well, if they are not excluded, does not that Regulation provide for the cases for which this new law is being enacted? Is it not even more comprehensive than the present Bill? Here you have specified certain offences and if the Governor-General declares that a man answers to the description given in Clause 2 then he may be treated in the way which the subsequent provisions of the Bill provide. But under Regulation III of 1818 nothing need be done. You have simply to take hold of the man and do as you please with him. Then if it covers the case of Britishers—and of course there is no doubt that it covers all the poor Indians—then the aliens also come in under it. But we have a separate Act dealing with foreigners<sup>14</sup> and that is Act III of 1864.

<sup>12</sup> Mr. S.R. Das.

<sup>13</sup> Refers to the point of order which was raised by Pandit Motilal Nehru when the Home Member wanted to move the consideration of the Bill in question in the House on 10th September, 1928. Pandit Motilal Nehru said that the Legislature was positively barred under the law to pass such a Bill as was before the House.

Though the President reserved his ruling on the point of order the Home Member was allowed to move the motion.

—L.A.D., *op. cit.*, p. 436.

<sup>14</sup> The question of immigration is amply provided for by Act III of 1864. Section 3 of that Act says :

“The Governor-General of India in Council may, by writing, order any foreigner to remove himself from British India, or to remove himself therefrom by a particular route to be specified in the order; and any Local Government may, by writing, make the like order with reference to any foreigner within the jurisdiction of such Government.”

Section 6 of the Act says :

“Every foreigner on arriving in any part of British India in which all the provisions of this Act are for the time being in force under an order issued as provided in the last preceding section, from any port or place not within British India, or from any port or place within British India where all the provisions of this Act are not in force, shall, if he arrives at a presidency-town, or, if he arrives at any other place, then he shall forthwith report himself

In fact some clauses of the present Bill seem to bear very strong family likeness to the sections of Act III of 1864, and exactly the same powers are now being asked for. My Honourable friend Mr. Srinivasa Iyengar has also called the attention of the House to the Criminal Law Amendment Act which can be used in cases of unlawful assemblies. But why have recourse to this extraordinary measure? What Clause 2, sub-Clauses (a), (b) and (c) provide are for distinct and definite offences against the law of the land. All these have been jumbled up into this clause, but taking them one by one, we find they have been amply provided in the Indian Penal Code and other criminal enactments. Where is the trouble in trying the man for those offences and how can anybody have any confidence in a mere declaration by a Governor-General? —I mean no offence to His Excellency. But it is not humanly possible for any man, whether he is a Governor-General or even an official higher than that, to declare a person guilty of those offences some of which are very difficult to prove. We do not know upon what basis he will declare a person to come under this Bill. The persons will not be tried in courts.

My honourable friend Sir Victor Sassoon opined that the reason why this Bill is opposed is, firstly, ignorance of the laws of other countries on the same point and, secondly, the firm conviction of the people of India that Communism will never have a hold in this country. Now, sir, so far as the first charge is concerned, I am afraid there is not only no ignorance on this side of the House of the laws of other countries on the subject, but that they are only too well understood and known. Leaving aside the points about which other speakers have spoken, I wish to call the attention of the House to the law as it stands in England and as it stood in England. Now, as I said in my remarks in the course of my speech on the point of order, you must make a clear distinction between pre-war days, the war days and the post-war days. In times of war everything is suspended and any law can be passed; but you will see in England—where the danger from Communism has been, and I assert is now, much greater than it is or it can ever be in India—how these people have been treated. Well, sir, I will just examine a

to the Magistrate of the district, or to such other officer as shall be appointed to receive such reports, by the Governor-General of India in Council or by the Local Government of such place.”



few Acts here. The pre-war legislation is the Aliens Act of 1905. In order to save the trouble of looking up many books I have had the necessary provisions summarised. Now there, how do you deal with undesirable aliens? The Secretary of State may, if he thinks fit, make an order—in this Act referred to as an expulsion order—requiring an alien to leave the United Kingdom within a time fixed and thereafter to remain out of the United Kingdom—that summarises the whole of this Bill—if it is certified to him by any court (including a court of summary jurisdiction) that the alien has been convicted by that court of any felony or misdemeanour and so on and so forth. Then after that we come to the War Measure which is 4 and 5 George V, Chapter 26. That was in 1914. Now I ask the House carefully to consider the course of legislation in England even in times of danger, imminent danger and actual war. There His Majesty by Order in Council may prohibit certain things, prohibit aliens from landing, embarking or remaining in the country and so on. Then Section 2 provides punishment for contravention. It is punishable on conviction under the Summary Jurisdiction Act, etc., etc. Exactly as in this Bill also, disobedience of the orders may be punishable after trial by a magistrate of the first class. Now, as I have submitted, that was perfectly justifiable in times of war. As soon as the war was over we have the next Act which is the 1919 Act. It is called 9 and 10 George V, Chapter 92. It is a continuance and extension of emergency powers.

Section I (1) says:

“The powers which under sub-Section (1) of Section one of the Aliens Restriction Act, 1914 (which Act, as amended by this Act, is hereinafter in this Act referred to as the principal Act), are exerciseable with respect to aliens at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, shall, for a period of one year after the passing of this Act, be exerciseable, not only in those circumstances, but at any time; and accordingly that sub-Section shall, for such period as aforesaid, have effect as though the words ‘at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of im-

minent national danger of great emergency has arisen' were omitted.

"(2) Any order made under the principal Act during the currency of this session shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder:

"Provided that this provision shall not apply in the case of an order the operation of which is limited to a time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or emergency has arisen."

Then Section 3 says:

"(1) If any alien attempts or does any act calculated or likely to cause sedition or disaffection amongst any of His Majesty's Forces or the Forces of His Majesty's allies, or amongst the civilian population, he shall be liable on conviction on indictment to penal servitude for a term not exceeding ten years, or on summary conviction to imprisonment for a term not exceeding three months."

"(2) If any alien promotes or attempts to promote industrial unrest in any industry in which he has not been *bona fide* engaged for at least two years immediately preceding in the United Kingdom, he shall be liable on summary conviction to imprisonment for a term not exceeding three months."

So that for the grave offence of inciting to rebellion in the army, the law, immediately after the war was over, lays it upon the executive to prosecute the man on indictment, and if he is found guilty, then he may be imprisoned, or when it comes to attempting to promote industrial unrest, then he shall be liable on summary conviction to imprisonment.



Now, it was said by my Honourable friend Mr. Moore that, here we have not provided for any imprisonment; let us send the man home at our expense. If you examine the provisions of the Bill, you will find that, if the man does not care to obey the order, you do provide for his imprisonment, and, what is more, you deprive him of something which, I submit, whatever may be said about my point of order, no Englishman can be deprived of, and that is his right to *habeas corpus*. You say that Section 491 of the Code of Criminal Procedure <sup>15</sup> shall not apply to a person who has been committed to custody under Clause 6 of the Bill. There is one right which travels with every Englishman all over the world, and it is the right of *habeas corpus*, wherever English courts exist. Of course, where there are no British courts, they will not take notice of that right. So it is much more than a mere infliction of a sentence of imprisonment. Now, that was only for one year, but these Acts were extended from time to time, and we find the last Continuance of Acts in Schedule, 17 and 18 George V, 1927, which repeals the whole Act of 1919, save Section 1, so that you will see that in England, quite apart from the fact whether there is peace or war, there is much better treatment accorded even to aliens than you propose to accord to your own kith and kin, the Britishers, under the Bill. Sir, I submit that the proposed law is more likely to threaten society and civilization than the Communist activities have ever done.

Then there is a good deal said of the very generous exclusion of Indians from the operation of this Bill. But is that of any value? Have you not got enough powers to deal with them?

Then, sir, there is one point which has not been referred to by the speakers who have preceded me, and it is this. You have excluded British Indians, you have excluded States Indians; but what about Indians in Chandernagore, in Pondicherry and in Goa? They are not British subjects, and yet they have family ties, they have business ties with British India, and these ties cannot disappear by an imaginary line of separation from British territory. So far as my personal experience of their relations and family ties goes, it is simply impossible to say which of the members of that family will be considered British subjects. It has been said, sir, "Let us take this Bill to Select Committee and see what we can make of

<sup>15</sup> See footnote 5, XX, *supra*.

it there".<sup>16</sup> But can we make anything of it, except by an amendment which would go to the length of making this Bill negatory? The amendment I am referring to is an amendment providing for trial according to law and for that you do not want a special Act. Therefore I am opposed to a reference to Select Committee.

Now, sir, a great deal has been said about the Soviet and the doings of the Soviet and the terrors it has spread throughout the world; and my Honourable friend, Sir Hari Singh Gour, has in his concern for religion and society relied on two little books; one is called *The Assault of Heaven* by one A. Valentino.<sup>17</sup> I do not know who this gentleman is. I borrowed the book from the Library and I read parts of it; I do not find who this gentleman is and what is his authority to speak on the subjects at all; but from what is written in that book, it seems that he is a religious enthusiast and he is always citing the Bible—not actually in parallel columns—as against the opinions expressed by a Soviet advisory council. So far as that goes, I do not think it matters at all. There is no restriction now on anybody. One can safely be an atheist, a polytheist, a Muhammadan, a Jew or Hindu and everybody is at liberty to have his own opinions; there is not a word implying compulsion in the whole of that book. People go to a sort of board constituted

<sup>16</sup> Suggested by Sir Hari Singh Gour.

<sup>17</sup> Sir Hari Singh Gour stated that the basis of the Communist propaganda was the Bolshevik conspiracy for the purpose of overthrowing religion, family life, destruction of social order and the paralysation of all industries of the country.

Quoting from the book *The Assault of Heaven* by A. Valentino, Sir Hari Singh Gour stated that on pages 238 and 239 we find instructions against religion, family life, social order, and the industries of the country :

“The methods, the form and the tactics of the anti-religious campaign are determined by the general situation. The latter is changing in such a direction that soon even the blind will see that he must resolutely fight the priest, whether he be called pastor, rabbi, mullah or Pope. At some further stage that struggle will inevitably become a struggle against God whether he be called Jehovah, Jesus, Buddha or Allah.”

Then on page 142 the following instructions are given :

“The comrades are reading while in the corners there hang ikons. Some even say : ‘I am an atheist but my mother, my uncle, my wife are devotees. What can I do with them’. The answer is : ‘Pay no attention to them. The room is yours and you can throw all the idols away and not listen to all the aunts and old hags.’”

—L.A.D., *op. cit.*, p. 471.



to advise people on various things—agriculture, and so on—and they ask the board: “Under such and such conditions, what should be done?” If they do not go to the board, or if they do not take that advice, there is nothing to prevent them from following their own inclinations. I may mention here an instance which came to my own personal knowledge, when I was in Moscow. Just at the entrance of the Kremlin, which was the palace of the Czars, there is a chapel dedicated to the Virgin Mary. I saw crowds of people going into this chapel. I saw also posted on the opposite wall in big letters in three languages the writing “Religion is poison for the people.” You were at liberty, in spite of that warning, to go into the chapel and there were hundreds of people who went into the chapel and worshipped and came out without molestation. The other book, that was cited by my friend, is by Arthur Shadwell.<sup>18</sup> This gentleman seems to have written this book in his library after reading such literature as was available to him; he seems to have had no first-hand information. The one thing that is apparent from that book is that he is a great believer in the Zinovieff letter which is now almost unanimously admitted to be mythical—indeed it has been proved to be a forgery. I will say one word there about the authenticity of this anti-Russian and anti-Soviet propaganda. A writer in the *New York Nation* describes how news is manufactured. The House is aware that a great part of the news from Russia comes through Riga and it is always the Riga correspondent of this or that paper that is supposed to send the news. Now this is what this

<sup>18</sup> Titled *Socialist Movement*. From this book Sir Gour quoted the Bolshevik Manual—instructions given for the dissemination of Bolshevik ideas throughout the world. At page 70 we read :

“In almost all European and American countries the class conflict has entered on the phase of civil war. In these circumstances Communists can place no reliance on civil legality. They are in duty bound to create everywhere a parallel illegal apparatus, which will assist the party at the decisive movement to fulfil their duty towards the revolution...”

“In all countries where it is impossible, on account of a state of seige and exclusion regulations, for Communists to carry on the whole of their work legally it is absolutely necessary to combine legal with illegal activities. The duty of disseminating Communist ideas includes the special obligation of an intensive systematic propaganda in the Army. Where this agitation is repressed by prohibitive regulations it is to be illicitly carried on. To abandon this task would be equivalent to a betrayal of revolutionary duty, and incompatible with membership of the Third International.”

writer in the *New York Nation* says as to how he became Riga correspondent of various newspapers :

“The first time I served as a Riga correspondent was in London. An editor made a correspondent of me by giving me an editorial leader clipped from one of the morning papers. He instructed me to recast part of it in the form of a dispatch and date it from Riga. The editorial was one reviewing in some detail the pernicious activities of the Third International. I must have rewritten it rather well, for later I was entrusted with other tasks of the same nature. I became the paper’s regular Riga correspondent—‘from our own correspondent’, as they like to say in Fleet Street.

“A year later I was in Paris and attached to a newspaper there. And in Paris I found myself again a Riga correspondent. The work was twofold now. There were French journals and English journals to rewrite. And many of them, including the one in London which formerly employed me, seemed to boast of Riga correspondents. In all their dispatches there were revelations—Bolshevist atrocities, Cheka executions, Soviet economic difficulties, dissatisfaction of the people with the Government. As in London, this material was turned over to me; and out of the mass another composite Riga correspondent was born.”

This is how propaganda is done against Russia and Sovietism. Now, sir, I have here something which is more reliable, and which I hope the House will agree is far more reliable than all the Riga correspondents rolled into one. I have not got the actual document here. I have it at my house. I did not bring it here. But I find extracts, which will serve my purpose published in the *Daily Express* of Madras, dated the 24th January, 1928. I owe it to the courtesy of the Honourable Mr. Coatman that I am able to read these extracts. These are extracts from the report of the British labour delegation to Russia. It is signed by 92 British—thoroughly British, full-fledged British—representatives of workers’ organisations in England and Scotland, after personal investigation. They went and toured through Russia and they made this report as a result of their tour. I am giving you their description of what they found there as against the woeful tales of destruction and ruin that have been told in this House:



“The Bolsheviks are now replacing capitalism with another system of society—socialism. The damage done to the buildings, towns and bridges by the Imperialists and counter-revolutionaries was immense. Now these places are being erected anew. So far as the towns in Soviet Russia are abnormal, it is in the exceptional beauty and grandeur of a large proportion of the buildings, and in the wide streets and squares which are to be found in every district. These are inhabited from pre-revolutionary days, and the important point to us is that the revolution has preserved them, repaired them and in some instances which have come to our notice has actually improved their architectural and historical value by the restoration of features mutilated or obscured during recent Tsarist periods.”

My Honourable friend, Sir Victor Sassoon, has mentioned the “declassed intelligentsia”. Because we do not come under the category of workers and peasants and, therefore, the intelligentsia of this country, if there were Communist rule, would be declassed. Let us see if art, science, literature, etc., have disappeared from Soviet Russia after the Revolution. What these 92 gentlemen found was this:

“The paintings by French, German and other artists from the fifteenth century onwards are arranged in a series of rooms so that the visitor can see the historical development and make comparisons. The existence of this gallery, and the obvious care that has been bestowed on it, was all the more interesting to us in view of the lies we have read in the capitalist press about the destruction of every thing of artistic value which the Bolsheviks were alleged to have carried out.”

I may be permitted to interpose here an interesting experience of mine after I returned from Russia to London. A gentleman who is very much in the public eye actually put me the question, “Does the Kremlin still exist?”, Kremlin being the vast pile of buildings where the Czars lived, some of them of exceptional beauty. I told him, as was the fact, that not only did the Kremlin exist but that it had been considerably improved upon and it looked as if it was completed yesterday. And he was surprised. That gentleman is

one of those who are going to decide our fate. Pertaining to the people of Russia, the report says:

“The first and most universal impression of the people is their extraordinary friendliness and interest in the foreign visitors. Everywhere we went we experienced not only kindness but enthusiastic welcome.

As to industries:

“The progress of industry on the new lines with the object of improving the conditions of the classes—the workers and the peasants—is being carried on by the Soviet Government. The working class enjoys the full privilege of their toil and have the fullest confidence in the governing body, the Soviets.”

I see Captain Hira Singh is not here. This ought to interest him because he was afraid that the tillers of the land would be nowhere.<sup>19</sup>

“The majority of the village Soviets (Councils) consists of peasants, while in the towns, the workers are in the majority. Every official from the Prime Minister downwards gives his report of work done in the ordinary workers’ meeting. These reports are discussed, criticised, and suggestions are given by the workers. They have also the power of recall if any official has not given full satisfaction in his work.”

Then, there is a comparative table showing the advance made after the Revolution—advance made in the economic condition. I need not go into these details. As for education we have it here:

“The students of the Russian high schools have far superior

<sup>19</sup> Captain Hira Singh lent his wholehearted support to the Bill. In his opinion the Bill only sought to kill those nasty germs which were expected to spread amongst those poor classes, whose trouble and pain was not felt by many Members in the House and if that poison was allowed to spread amongst those agricultural classes and the cultivators and in the classes from which the Army was drawn, the peace of India would be in great danger.

—L.A.D., *op. cit.*, p. 627.



knowledge than the graduates of Cambridge and Oxford. Their methods, their classes and discipline is much better.”

and so on. Then we come to this:

“In India, after a hundred and fifty years’ rule of British ‘civilisation’ only six per cent of the population are educated, while ten years of Bolshevik rule has practically abolished illiteracy.”

That is the fiend that is going to swallow us and our institutions and everything else.

“Only those who are too old still remain illiterate. It is due to their old age rather than any hindrance by the State.”

As to prisons:

“The whole idea of prison life is explained, said the Governor, by a perusal of the slogan painted across on the wall of the prison.”

It reads:

“‘In Soviet Russia there are no prisons but training centres where those who have not had opportunities can learn to become useful citizens.’”

I will not trouble you with the rest of this. Anyhow it is not such a barbarous and unnatural State as is made out to be—where every man devours every other man and is a cannibal. I have seen many of these things with my own eyes. Now, sir, even Communism must be fought with clean weapons. My friend, Sir Victor Sassoon, was pleased to say that only those who desire Red rule in India would oppose this Bill. He knows that so far as this side of the House is concerned, so far as the great majority of Indians are concerned, what is desired is Brown rule and not Red rule.

Now, sir, I shall not take up the time of the House any longer. I shall simply content myself by saying that this is a most vicious piece of legislation and is calculated to bring about results just the

opposite of what is contemplated. Before concluding, I must not conceal from the House that there is a very strong suspicion in the minds of educated Indians and that is this. There has been a movement on foot for years past for organising a sort of cultural co-ordination between India and various other countries of the world, especially in the North of Europe. If you pass a law like this, and people come on peaceful missions but do not please the Government and the C.I.D., they will be packed off to their homes. If one man from any country is treated like this, the movement will die out in no time. Who will ever come here? In the countries I visited there was some anxiety to avail themselves of an opportunity to come to India at the time of the Indian National Congress. Whatever may be said about the Indian National Congress, there is no doubt that the Indian National Congress is known to be the largest national institution of India throughout the whole world and naturally people in other countries have a desire to witness the proceedings of this institution which is indigenous in its origin and which does not owe its existence to any help from the British. I was thinking to myself that if at the next Congress I invited some of my friends whom I met during my last visit and if this Bill passed into law, what would happen? Government will say: "Oh, we are not going to get hold of people who come for peaceful purposes. This Bill is intended only for Communists." How am I to know what you will do? The evidence that satisfies you is not likely to satisfy me, as was shown in the case of M. N. Roy's letter.<sup>20</sup> Then again there is a great desire among Indians to promote mutual intercourse, cultural and social, between themselves and other Asiatic countries. All these things will receive a rude check if a measure of this kind is passed into law. Sir, I submit that if this measure is passed into law, it will be the biggest blot upon the Statute-book.

[When the Bill was put to the vote of the House, it was found that 61 votes were cast for the Bill and 61 against. The President gave his casting vote against the motion and said :

"The Home Member has failed to secure a clear majority in his favour and cannot expect the Chair to give his casting vote in favour of the motion for consideration."

He, therefore, declared the Bill defeated.]

<sup>20</sup> See footnote 8, *supra*.



# Separate Office for the Legislative Assembly

*Speaking on his motion regarding the establishment of a separate office for the Legislative Assembly on 22nd September, 1928.*

Sir, I beg to move the following motion:

“This House is strongly of opinion:

- (a) that a separate Assembly Department should be constituted not later than 1st December, 1928;
- (b) that the Government of India should take immediate steps to secure the sanction of the Secretary of State to that part of the scheme which requires his sanction;
- (c) that the scheme submitted by the President and amended by the Government of India should be modified so as to provide:
  - (1) that the Assembly Department should be included in the portfolio of the Governor-General;
  - (2) that the principal officers of the Department should be appointed by the Governor-General in consultation with the President;
  - (3) (i) that these principal officers shall be liable to dismissal by the Governor-General in consultation with the President;
  - (ii) that other disciplinary action against these officers should be in the hands of the President subject to a right of appeal to the Governor General;
  - (4) that other members of the establishment should be appointed by the President in consultation with the Secretary;
  - (5) that these other members of the establishment shall be liable to be dismissed, or otherwise punished, by the President in consultation with the Secretary, subject to a right of appeal to the Governor-General;
  - (6) that question of expenditure should be dealt with in the ordinary manner, but in case of difference of opinion on

any item of expenditure between the President and the Government of India there should be a reference to the Governor-General, whose decision shall be final.

The House further requests the President to communicate this opinion to the Governor-General for such action as he may be pleased to take."

As the House is aware, this motion has a history behind it. It was as far back as 1924 that in answer to a question<sup>1</sup> by the Honourable Mr. Neogy this information was elicited from the Government. They said:

"The question was exhaustively examined after the Inchcape Committee submitted its report and it has been decided that for the present, in the interests both of economy and of efficiency, it is desirable that the business of the Legislature should continue to be conducted by the Legislative Department of the Government of India."

That was on the 1st February, 1924. Since then there has been some correspondence and conversation between the President and the Government on the subject<sup>2</sup> and a scheme carefully worked out was laid by the President before the Governor-General.<sup>3</sup> After a great deal of delay due to one thing or another a despatch was sent to the Secretary of State by the Government of India giving the substance of the scheme of the President and their own scheme and pointing out the differences between the two.<sup>4</sup> That despatch

<sup>1</sup> Refers to S. Q. No. 9. —For details, *see* L.A.D., Vol. IV (1924), Pt. I, p. 28.

<sup>2</sup> The Presidents' conference, which met in January 1926, passed a resolution at the instance of Mr. Patel, advocating the creation of a separate office for the Assembly. That resolution was communicated by President Patel to the Government of India for consideration. Since he did not receive any reply for a long time, he prepared a detailed scheme on the subject and forwarded the same to the Government of India. On the basis of that scheme certain conclusions were arrived at by the Government of India and a despatch was accordingly sent to the Secretary of State on 26th July, 1928.

—For details of scheme, *see* L.A.D., Vol. III (1928), pp. 219-23.

<sup>3</sup> Lord Irwin.

<sup>4</sup> For details of the Government of India despatch to the Secretary of State for India, *see* L.A.D., Vol. IV (1928), pp. 922-40.



was unfortunately sent away before this House was afforded an opportunity to discuss it.

Honourable Members will remember that it was only the other day that the President made a statement to the House and upon that statement a number of Honourable Members addressed the House and a statement in reply was made by the Honourable the Home Member the next day. The question whether things should be allowed to remain where they were was considered and it was suggested by you, sir, that Party leaders might meet in your room and consider the question. We did meet and we did consider the matter, but we arrived at no decisions. There was only a general discussion. At your invitation we met again the day before yesterday and the motion that I have just read was the result of the deliberations of our conference. It represents the view of the Party leaders present. In some instances it does not represent the view of the President and in others it is the unanimous view of the Party leaders and the President. On behalf of the Government no opinion was expressed at the conference, because they had already sent a despatch to the Secretary of State which was under his consideration. I forgot to say that, as a result of the first conference to which I have referred, the Honourable the Home Member very kindly undertook to inform the Secretary of State of the view of the conference and to request, on behalf of the conference, his permission to enable the House to discuss the despatch which had been sent to him. That permission having been received, the despatch was laid on the table of the House and has since been considered by Honourable Members.

The proposal which my motion contains is not identical with the one the Honourable the President made in the scheme which he drew up, but it was felt that, as a temporary measure, and as a beginning in the direction of fully separating the establishment of this Assembly from all Government Departments, the motion that I have laid before the House would be a satisfactory first step and it is only in that sense that I am moving it. Honourable Members will, I hope, be agreed that, in spite of the peculiar position of this Assembly, and its limited powers, it is in no sense subordinate to the Government and that it is an Assembly the Members of which have equal rights, no Member having any superior rights to another Member. It is, therefore, only proper and in the fitness of

things that the establishment attached to the Assembly should also be independent of Government control. In fact, that is so in the House of Commons and I suppose—though I am not quite sure—in the other representative Legislatures. Therefore, the one thing that we have to ensure is independence of not only the Assembly but of everything appertaining to the Assembly—its office and establishment—from the control of Government. The motion that I have put before the House goes a long way to secure that independence, but, of course, not the whole way, and that is due to the peculiar conditions in which we find ourselves. If this were a House wholly elected and responsible to the electorates no difficulty would have arisen, because it would in the very nature of things have the fullest control of every Department. But the difficulty arises from the fact that the powers of this House are limited and it cannot exercise any control upon any Department or exert any influence on anything which is not specifically referred to it by Government. We heard the other day from the Honourable the Home Member that they have to this extent carried out the scheme of the Honourable the President—that they have given a wholetime Secretary to this Assembly who is not a Member of the House.<sup>5</sup> But he still remains under the control of the Legislative Department.

Now, that is the first and foremost thing that has been dealt with in my motion. We do not wish that the principal officers of this Assembly should have any connection with the Government any more than with any other section of the House and, therefore, my first proposition is that the principal officers should be appointed by the Governor-General in consultation with the President. The practice in England, as the House is aware, is that the clerk of the House is appointed under letters patent by His Majesty the King on the recommendation, of course, of the Prime Minister and the Assistant Clerks are appointed under Signs Manual on the recommendation of the Speaker or in consultation with the Speaker. But things are different in England to what they are here. There the

<sup>5</sup> It was only on 6th September 1928 that the Home Member announced in reply to the statement made by President Patel re : the creation of a separate office for Legislative Assembly “that the Secretary of the Assembly should no longer be a Member of the Assembly.” Till then the Secretary used to be a Member of the Assembly.

—Details, *see* L.A.D., Vol. III (1928), p. 295.



Government is in a majority in the House. The Prime Minister has the same controlling voice and is in the same position in regard to all the Departments of the State. Here we have just the opposite state of things. The Government is an irremovable Government. It is always in a minority; of course except on such occasions as it can snatch the votes from one group or another and, therefore, the Government—that is one of the reasons in fact given in the despatch—want to keep a hold upon the office of the Assembly. Well, I do not see any reason why one Party in the Assembly—and I submit with due deference that the Government has no more importance than any other Party in the House—should alone have a controlling voice in the office establishment of the Assembly, unless it be, of course, as Government and not as Members of the House. That is the strongest reason, I submit, why the Department should be entirely separated from the Government as such. The Government is a party in this House just as any other Party. Well, the objection to that I find at page 5 of the despatch which says:

“The view which the Government of India take is that Members of the Assembly Office, both those now to be transferred from the Legislative Department and also those to be appointed later on to fill vacancies, must all be Government servants.”

I do not see any reason, sir, why they must, but the reason given ‘so long as there is a majority in the Assembly, which may at any time be adverse to the Government, and on the support of which the President must depend for his continuance in office,’ that the men, appointed must be Government servants. Now I do hope that no insinuation is made here; but it seems to me to be something which would strike any reader that the President who owes his office to the vote of the elected Members, was perhaps not considered a suitable person to be put in charge of the office; but I hope no real insinuation is made here. At the same time I do not understand the logic of this. Why should it be that, because the Government is in a minority and because the President owes his post to the vote of the majority, therefore, the office of the Assembly should remain under the control of the Government, that is to say the minority? I submit that there is no substantial reason given—and on the contrary the reasons for entire separation from the Government are overwhelming.

Now a difficulty has been created, or rather suggested, in the despatch that you cannot have an independent office; that it must under the present constitution be linked to some existing Department or included under some portfolio of the Council of the Governor-General. I am not aware of any definite rule saying that it must be so. But what is stated is:

“The requirements of the constitution demand that it should be linked with the Imperial Secretariat, and the natural status for it is that one attached to one of the Departments of the Government of India at the head of which will be the Secretary of the Legislative Assembly.”

Now, that is an argument which goes to this extent, that the Government of India is a self-contained unit; that everything pertaining to the Government must belong to some Department or other of the Government; any Department that is to be established must necessarily, therefore, come within that self-contained thing which is called the Imperial Secretariat. I submit, sir, that that begs the whole question. That is the very point upon which we differ from the Government. We say that it should be an entirely independent office and not included in the Departments which are under the control of the Government. But in order to obviate this difficulty, the House will be pleased to observe that we have suggested and this is a result of the conference we had the other day—that the Assembly Department should be included in the portfolio of the Governor-General. Now that is a device—I call it only a device, a conventional device—to get over this technical difficulty and will ensure practically complete separation from the Government Departments. Now we know that His Excellency holds other portfolios—for instance, the Foreign and Political Department—and that it is not as if it were going out of one’s way to ask His Excellency to hold this portfolio; besides I find that this scheme to a very large extent is actually in vogue in the Punjab where this portfolio is held by the Governor in Council—I mean the Governor—and I do not see any difficulty in that; so that the House will see that there can really be no substantial objection to the entire separation of this Department.

Then we come to the question of the appointment of the principal



officers and of the subordinate officers. Now, so far as that goes, we have followed as far as we could under the circumstances, the practice in the House of Commons and we have substituted the Governor-General for the King and the President for the Prime Minister. I do not see that we could make any better choice in the matter. We have suggested that the principal officers of the Department should be appointed by the Governor-General in consultation with the President. I think that is as near as we can get to the practice in England. Then as regards the other officers, they should be appointed by the President in consultation with the Secretary. There in England, the appointments are made by the Clerk of the House, who has the right to appoint, to suspend and to remove any of the subordinate hands in the office. Here the right is given also to the President, but in consultation with the Secretary. These other members of the establishment shall be liable to be dismissed or otherwise punished by the President in consultation with the Secretary, subject to a right of appeal to the Governor-General. Now that is an additional right. The Governor-General has the portfolio and in the case of the principal officers the Governor-General is also the appointing authority, and it is but natural that the appointing authority should have the right to dismiss and suspend and take other action.

Then we come to the question of expenditure. I will only briefly give you these details. In regard to expenditure, as the House is aware, the proposal of the Honourable the President was that the Budget of the establishment should be independent of the Finance Department. Now some technical difficulties were found in that and after a full consideration the conference, to which I have alluded, came to the conclusion that the present arrangement under the circumstances would be followed with a slight variation; that is, that the question of expenditure would be dealt with in the ordinary manner, that is through the Finance Department, but in case of a difference of opinion on any item of expenditure between the President and the Government of India there would be a reference to the Governor-General whose decision shall be final.

I do not think I can add very much profitably to what I have already said. I hope the motion will commend itself to the whole House as a very desirable thing in the circumstances in which we are placed. Of course, if I had my own way in framing this motion

it would be framed in slightly wider terms. But as it is, it is only a beginning and I think it is a good beginning and I beg the House to adopt it.

[The motion was adopted]



## Public Danger

*Speaking on the motion that the Public Safety Bill\* be taken into consideration on 6th February, 1929.*

Mr. President, if I am a few minutes late in replying to the affectionate appeal of my old friend, the Honourable Mr. Keane,<sup>1</sup> it is not my fault, but it is my misfortune. I did rise immediately after he resumed his seat, but I was unfortunate enough not to catch your eye. I hope, therefore, my old friend will excuse me for the few minutes' delay. He has appealed to me as the official representative of the Congress, which honour has been conferred upon me by my countrymen, to tell him what is the creed of the Congress; and he took it upon himself to say that as far as he was able to understand, the creed of the Congress was to foment agrarian disturbances.

\*On 10th September, 1928, the Public Safety (Removal from India) Bill was introduced in the Legislative Assembly. The object of the Bill was to deport at India's expense foreigners whose stay in India was politically obnoxious. The Government's contention was that there were dangers threatening not only the existence of the Government and conditions of peace and order but threatening most vital interests and organs of the whole state of society. There was a movement, which if left unchecked, would ultimately prove destructive, so that the whole heritage of culture, civilisation, religion, organisation of agriculture, industry and commerce and the whole structure of society might be destroyed. The Bill was strongly opposed by the non-officials and defeated by the casting vote of the Speaker.

The object of the Public Safety Bill, as re-introduced, was to cut off the Communist movement from external influences whose general aim was to rouse a spirit of discontent and lawlessness in the masses with the ultimate object of destroying by violence both the Government established by law and the economic organisation of the society and substituting what they describe as 'dictatorship of the proletariat'.

<sup>1</sup> In his concluding remarks, Mr. Keane fervently appealed to all Members to vote in favour of the Bill on the grounds that :

"in order to meet a menace that has been recognised as a dangerous menace by every country in Europe, all we seek is that they give to Government which is existing—rightly or wrongly, but existing—the power of exercising that responsibility which it holds, of maintaining the peace and prosperity of this country."

—L.A.D., Vol. I (1929), p. 524.

*Mr. M. Keane:* If I may explain, sir, I understood Diwan Chaman Lall to say so: that is not my view of the Congress creed.

*Pandit Motilal Nehru:* That is, as far as he was able to understand my friend Diwan Chaman Lall, the creed of the Congress was to foment agrarian disturbances. Now, Diwan Chaman Lall is here and I am perfectly certain no member on this side of the House understood his remarks in that sense. It is impossible for Diwan Chaman Lall to have said anything so atrocious as that. But what Diwan Chaman Lall said was, from the point of view of the Treasury Benches, a much stronger thing. It was that the creed of the Congress is to subvert this Government, I mean the present system of Government. And as the President of the Congress, with all the responsibility attaching to that position, I now in this House openly and publicly declare that that is the creed of the Congress. But as everybody knows it, it is no use seeking shelter under words, the Congress does not foment any kind of violence. The Congress is for civil disobedience. Mahatma Gandhi has been proclaiming from house-tops that we are all preparing for civil disobedience. And what is that civil disobedience for if it is not for subverting the present system of Government, because we do not like it, because it is not just, because it is oppressive. That is the creed of the Congress, and the Congress is working for it.

My Honourable friend Mr. Keane said that there were two wings of the Congress and that the methods of the two wings were different. That again is a grievous error. There is absolutely no difference between objective and the methods. The difference is only in theory. One wing says, and truly says that there is no hope from the present British Government for the establishment of dominion Government in this country and it is useless to waste our time in trying to have such a Government established. The other wing says that although there is no such hope, yet in fact dominion status is a form of Government which this country ought to be satisfied with and we shall, therefore, give the British Government one more chance to establish it. If it is not established, Mahatma Gandhi has said that on the 31st December, 1930, he will wake up as an Independencewalla. (*Some Honourable Members:* "1929"). I mean 1st January 1930. That may be right or that may be wrong. (*An Honourable Member from the European Group:* "That is wrong".) But it is not right to attribute things to the Congress or to the members of the Congress



which they do not say and which they do not claim to be their views. Now, I hope I have made the position of the Congress perfectly clear.

Then my friend indulged in a metaphor. It was the metaphor of the cuckoo and the hedge sparrow.<sup>2</sup> He forgot that we have got the hedge sparrow already in our midst, and we have had it for the last 150 years, and we are not able to lay our eggs at all. There is no question of hedging those cuckoos—(*An Honourable Member*: “Is the hedge sparrow a cuckoo?”)—in comparison with the hedge sparrows that are around us. I simply take my friend’s metaphor.

Then my friend has indulged in some wrong history and wrong law. He says that all the countries of Europe have similar legislation, but he did not take the trouble to show us the legislation of any particular country. He wants us to assume that all the countries of Europe have such legislation and because they have it we must also have it. But what of that? If some countries in Europe or the Dominions have some such legislation on their Statute Book, does it follow that it is sound legislation, does it follow that it is proper legislation? Are these Dominion Legislatures ideal law givers? On the last occasion I took the opportunity to review the whole law on the subject in England.<sup>3</sup> After all, we must take the pattern of England. I need not repeat what I said on the last occasion; it is too long a story, but I would refer Honourable Members who want to know what the law in England has been, and what it is to-day, I would refer them to what I said on that occasion, and they will find it stated in the debates for the last Session of this Assembly. But I may say that there is no such law in England, and there can be no such law in England as you wish to introduce in India.

<sup>2</sup> Mr. Keane while speaking on the Bill said that the Bolshevik takes India to be a fertile place where he can easily conceive. Elucidating his remarks with the help of a metaphor, Mr. Keane said :

“The foreign Bolshevik will say to himself, or might easily say to himself, this is good, there is a nest being prepared ready for me, and I will come and lay there the cuckoo’s egg. The cuckoo will come and thank the kindly hedge sparrow for building him a nest and there he will plant his egg and he will watch complacently while the peaceful hedge sparrow hatches it out. And later on the hedge sparrow will be surprised to find that the voracious young cuckoo fledgeling has kicked his foster brothers out of the nest to die in the ditch, and it will rule the nest alone. That is what the result would be.”

—L.A.D., *op. cit.*, p. 523.

<sup>3</sup> For details, see pp. 382-5, *supra*.

I must confess that I do not know the laws of all the European countries and I cannot take upon myself to say what there is in those laws and what there is not in those laws, but so far as I am concerned, I am here to oppose this Bill on well understood principles or at least on principles which ought to be well understood by every Englishmen, lawyer or no lawyer.

Then there was a very fine distinction made by my friend as to what is repressive legislation and what is not. His idea is that only that is repressive legislation which empowers the executive to catch hold of a man and consign him to oblivion at once; minor things do not matter, *i.e.* if you know where the man is, there is no repression. If he, against his will, is restrained from doing things which he has a perfect right to do, at the sweet will and pleasure of the executive, it is not repressive action, according to my friend. Well, I cannot argue that point with him. According to my friend, the Bengal Ordinance<sup>4</sup> is not repressive legislation, because we know where the men are. They have been caught hold of and they have been sent away, and sometimes we are able to communicate with them. But I do not rely, sir, upon any particular description, and so far as I am concerned, I would rather not give any name to this particular Bill but expose it on its own merits.

There are one or two other special points made by my friend the Honourable Mr. Keane, which I may deal with here. The points which are common to him and other speakers can be dealt with together. He attributed our opposition to slave mentality, and said that it was this slave mentality which Mahatma Gandhi has been trying to exorcise from our minds all these years. Well, it is a poor compliment to Mahatma Gandhi to say that the slave mentality that he was considering was the mentality which opposes this legislation. It is the slave mentality which concurs in this legislation that Mahatma Gandhi sought to exorcise and is trying to exorcise, and by the grace of God will succeed in exorcising in course of time. My Honourable friend refers to the case of Trotsky. How many Indian Trotskys have not been treated in the same way as one Trotsky by the Soviet Government? What was the Bengal Ordinance, what were the measures taken under Regulation III of 1818<sup>5</sup>,

<sup>4</sup> For details, *see* p. 196, *supra*.

<sup>5</sup> For details, *see* footnote 5, XXIII, *supra*.



if they were not something similar to what has been done to Trotsky? I do not know what my Honourable friend's impression is about the reasons for which Trotsky has had to suffer. They may be good reasons, or they may be bad reasons, we are not concerned with that. I hold no brief for the Soviet Government, and it is no business of mine to defend every order they pass. The Soviet Government is, after all, very much a human Government just as all other Governments are. It is human to err. They may make mistakes, but by such mistakes of a Government you cannot impugn the whole theory upon which the Government rests. I was glad to hear from my Honourable friend, Mr. Gavin-Jones, that, so far as the theory and practice of communism are concerned, he saw no fault in them. It will be clear from the view I have just placed before this House and from my other views with which the House is perfectly familiar, that I am not prepared to go so far as to say that there is no harm in the practices of communism. The theory is all right . . .

*Mr. T. Gavin-Jones:* I said preaching of the theory and practice of communism.

*Pandit Motilal Nehru:* But there are some of its practices which will not find favour even on this side of the House. However, these are the views which have come from the benches opposite, and, that being so what right have they to say that the very name communism spells terror, destruction, subversion of all society and so on and so forth. It is the particular act done that must be taken into consideration, and if it is an act of a violent character, if it is an act which gives the law into the hands of the person who is acting, then it is for the Government to stand up and to suppress that act, to suppress that individual by all the legal and legitimate means at its disposal.

Lastly, my Honourable friend Mr. Keane paid a tribute to my Honourable friend, Mr. Birla, but he missed the whole point of the very able speech of my Honourable colleague. He showed conclusively that this law was not wanted by anybody. This law was not wanted by labour, this law was not wanted by Indian capital, this law is only wanted by a handful of those gentlemen who are there (*turning to the European Group*), who hope to carry it with the help of the solid phalanx of the Official Benches. The Honourable Mr. Birla showed us the telegrams that he had received, the

resolutions that had been passed by capitalist associations and individuals who condemned this measure unreservedly. That was the point of his speech, and when he said that he did not agree with communism, my Honourable friend, Mr. Keane, thought he had a troubled mind and his trouble arose from the fact, he said it was quite natural, that these communists resort to undesirable methods. But why was he opposed to the Bill in spite of that? The reason was that he did not think that communism had anything to do with strikes, but that these strikes were due to economic causes. He also gave us the reason—one of the reasons, there may be others—and that was the appreciation of the rupee. It seems to be ridiculous for any reasonable man to think that a couple of individuals—they may be Bradleys or Spratts<sup>6</sup> from across the seas—can come here and create all the labour trouble, all the agrarian trouble that we see in this country. I simply cannot conceive it. The true reason you will not look at, you will shut your eyes to it. It is the economic condition of the masses in this country. You, like quacks, go about to treat this symptom or that symptom and will not like a scientific doctor attack the root cause of the disease. My Honourable friend the Home Member admitted, “We know that this is not a radical remedy for the disease, but it is better than doing nothing. Let us at least begin by cutting off these outside relations with India.” Now, sir, that lets the cat out of the bag. I take this Bill as a direct attack on Indian Nationalism, on the Indian National Congress. And I will show from the provisions of this Bill that it is nothing else. Cutting off of India from outside countries—what does that mean? We are to remain as isolated as ever. The moment any other country takes an interest in India—there are so many organisations in all the countries of the world whose business it is to make this world fitter to live in than it is, and they naturally take an interest in all that is going on in all parts of the world. What is there to fear in that, unless you have something to conceal and avoid the effects of world opinion operating upon it? That, I tell you, is the honest opinion held by many people of my way of thinking. This we believe is the real object of the Bill, because it cannot be necessary, just for the sake of two men, whatever capacity they may have for mischief, or for the sake of another half a dozen men who may

<sup>6</sup> See footnote 7, XXXII, *supra*.



come. What will they do? They will simply give us their ideas. But can you stop those ideas coming to this country without these men? Can you erect barbed wire entanglements and artificial barriers to keep ideas out of India? Those times are gone when you could do it. Ideas will travel in spite of all precautions, and given the fact that ideas will travel, where is the harm in the person who has those ideas—it may be one, two, three or four—coming and giving those ideas through his word of mouth? What difference does it make? Yes, if you can prevent all communistic ideas from coming to India, if you can take some step in that direction, I can appreciate your action. But, as it is, you may as well pass a law to stop the cold wave that is passing through the country. You cannot do it.

*Mr. Kabeer-ud-Din Ahmed:* How can you leave the head and catch hold of the tail?

*Pandit Motilal Nehru:* The next Bill will be meant for you. I may at once say, sir, that I am not one of those who have never seen a communist or never met one nor am I one of those who tremble in their shoes at the very name of communism. I have met many of them and I have found most of them to be very estimable men, courageous men, men of character and men of ability. I do not, of course, know the men that my Honourable friend Sir Victor Sassoon has at his beck and call, whom he undertook to produce at a moment's notice to convince Mr. B. Das of the existence of such people.<sup>7</sup> I cannot vouch for them, as I do not know what kind of people they are. But the men I have known are men of opinions, men who have nothing to gain by holding these opinions and everything to lose by putting those opinions into practice. Such men whether you agree with them or not, must be entitled to the respect of every well balanced mind. I have also met men who differ from communists both in theory and practice and yet do not hesitate to co-operate with them, to meet them, to admit them in their own counsels, although, of course, they will not act with them if such action is inconsistent with their own principles. Now,

<sup>7</sup> While commenting upon the observation of Mr. B. Das regarding communists, Sir Victor Sassoon stated that not only he had seen many communists but he also had the advantage of meeting them. He was fully prepared to introduce a communist to Mr. Das after which he would start believing in them.

—L.A.D., *op. cit.*, p. 480.

the Honourable the Home Member mentioned prominently the League against Imperialism<sup>8</sup> and he said that the Indian Trade Union was proposed to be affiliated to that League. They could not proceed against the men because the law under which they wanted to proceed was not applicable to them. I know something of the League and my own knowledge of it is firsthand. I was present at the meeting of the League against Imperialism at Brussels, as representing the Indian National Congress. The President of that League was until recently Mr. George Lansbury, who is now the President of the great Labour Party of England. He resigned his office for reasons of want of time. His preoccupations with the great Party, of which he was elected the Leader, did not leave him time to attend to the proceedings of the League against Imperialism. At least that was the reason which he gave, although it was suspected in the Press and elsewhere that some pressure had been brought to bear upon him. However, I will not go into that question. The present President of the League is Mr. James Maxton, who is the President of the Independent Labour Party in England. Neither Mr. George Lansbury nor Mr. James Maxton is a communist, and yet they saw no objection in being Presidents of an association which admittedly consists of communists among others. The executive council of this League consists of both communists and non-communists, the majority being non-communists. There are socialists, there are nationalists, there are communists who are members of the League against Imperialism. What is the object of this League and why is it there? It is to secure freedom to the subject races of the world, to fight for freedom and to fight against imperialism. So far as that goes, socialism, nationalism and communism meet on a common platform and there is no objection in the minds of socialists or nationalists to meet and devise measures consistent with their own principles, with the communists to fight a

<sup>8</sup> The principal objects of the League against Imperialism, which was formed after the Conference of the Oppressed Nationalities, in February 1927, were to bring about co-operation between the different national liberation movements and a coordination between such movements and the labour movements of the various countries.

All political organisations, all Parties, Trade Unions and persons who were fighting against capital-imperialist domination for the self-determination of all nations, for the national liberty of all people, for the equal rights of all races, classes and individuals, were the affiliates to the League.



common evil. They do not fight shy simply of the name communism. When I attended that meeting I was called upon to speak. I must tell the House that I was assured before I attended the meeting that one need not be a communist to be a member of that League. Of course, individuals are not members, countries and associations are members and individuals represent them. There were no less than 20 countries represented. I was called upon to speak and the first thing I did was to dissociate myself thoroughly both with the theory and practice of communism, and to tell them that I was there to help them and myself in our common object but I was not there to be a member of their Communist Party, because I did not believe in it. More than a dozen representatives of other countries after me rose in their places and confirmed what I said and shared my views and they said they too were there for that purpose. Now, the Honourable the Home Member assumes that League against Imperialism is a kind of association, communication with which, under this Bill when it is passed, would become an offence. That shows how much information and knowledge there is of the things that are happening under our very noses. These two men, Spratt and Bradley, are on the brain and they have twisted all intelligence, all idea of connecting cause with effect and of relevancy. Then again I may inform the Honourable the Home Member and the House that it is not a mere question of a proposal to affiliate the Trades Union with the League against Imperialism. It is an accomplished fact. Not only the All-India Trades Union but the Indian National Congress are associated—not affiliated—bodies to the League against Imperialism, the distinction being this, that while they do not subscribe to the whole programme of the League, they sympathise with the objects and, therefore, they are not full Members of the League but only Associate.

I don't see my Honourable friend, Sir Denys Bray<sup>9</sup> in his seat. I listened to him with the attention with which I always listen to him. It is a pleasure to hear him. I have always admired his grace of style, the rounded sentences which he delivers, but I have always felt after he has sat down—I have asked myself—what was the point he made? I have never been able to answer the question.

Now, in his very able speech yesterday, a speech full of gems of

<sup>9</sup> Foreign Secretary.

literature, there was talk of deadly poisons and things of that character.<sup>10</sup> Well, the only impression it left in my mind was that the Honourable Sir Denys Bray has perpetual youth and that those dreams which he dreamt in his youth, and which he so graphically described as having affected his impressionable mind are still haunting him. I think that youth still continues with him and he is to-day as credulous as he was when a young man. That is the only inference that I can possibly draw from that intellectual treat that he gave us yesterday.

Then Sir Denys Bray talked about revolution. Now, sir, however much you may roll your "r" in pronouncing the word "revolution", it has no more than its dictionary meaning, and professedly we are all peaceful revolutionaries. No one conceals the fact. The only difference is we are pledged against all kinds of violence. In all other respects it has been said frankly times out of number that we are revolutionaries. We want a revolution, but not of the kind which has for its aid violence and things of that kind. We have told you—and it is not a thing you do not know—we have told you how we propose to accomplish that revolution. It is to be—at least on our side—a bloodless revolution. We wish to organise ourselves to disobey your unjust laws and to make it impossible for you to govern the country by those laws. That is the way which is ours. We may or may not succeed, it may be an idle dream, very difficult to realise, but that is the only thing left to us, and in that sense we certainly are revolutionaries.

Now, sir, coming to the Bill, I submit that it is a more retrograde measure than the first Bill that was introduced, and the arguments in support of it, which have so far been advanced, are more feeble and less plausible. In the short interval which has passed since it was first introduced in September, all that has happened is that the Executive Government has developed a voracious appetite, a more voracious appetite than it did in September, for autocratic power. It will no longer be satisfied with attacking the liberty of the indivi-

<sup>10</sup> Referring to the creed of communism Sir Denys Bray said :

"Communists disdain to disguise their purpose. They give notice to the wide world that it is through the overthrow of the whole social order as it exists and through its final downcrash alone that their grand aim can be accomplished."

—L.A.D., *op. cit.*, p. 451.



dual, the freedom of movement, but it must needs also put its hand in the pocket of all and sundry, not the man concerned alone but everybody, and take as much as it can, as I will show you when I come to consider the provisions of the Bill. Another improvement that has been made, thanks to the trenchant criticism of my friend Mr. Neogy on the last occasion, is that the short title has been changed. It used to be "The Public Safety (Removal from India) Bill", and so it was. It was a Bill for the removal of safety from India. It was my friend, Mr. Neogy, who drew attention to it on the first occasion, and we now find it called "The Safety Bill", the words "removal from India" being scored out. So that the only redeeming feature of the Bill has been expunged, which showed its real nature; and what is now left to us is a mere hypocritical camouflage which conceals the real intention and does not touch even the fringe of the evil. If a name has to be given to the Bill, I am disposed to call it "The Slavery of India Bill, No. 1", because I expect another one to follow, or "The Safety of the Bureaucracy Bill", if you like, or, as an Honourable Member suggests, "The Public Danger Bill".

The provisions of the Bill were discussed threadbare in the Autumn Session<sup>11</sup>, and there is not very much more over and above what was urged on either side to be urged now. I will, therefore, not detain the House long over the provision of the Bill, but just submit a few observations which I have to make on the main features of the Bill. But before I do so I owe an explanation to the House of why I have not raised the point of order which I had raised on the first occasion<sup>12</sup> when the Bill was introduced in Simla. The House will remember that in the first Bill, as it was introduced, there was not provided even a semblance of a trial or hearing before any judicial tribunal<sup>13</sup>. When the Bill came out of the Select Committee, we found certain provisions inserted in it<sup>14</sup> and the same provisions—perhaps improved I do not know—are

<sup>11</sup> For details, see L.A.D., Vol. III (1928), pp. 440-76, 626-78 and 763-88.

<sup>12</sup> See footnote 13, XXXII, *supra*.

<sup>13</sup> See footnote 3, XXXII, *supra*.

<sup>14</sup> The Public Safety (Removal from India) Bill was subjected to a very strict and severe scrutiny by the Select Committee and a number of changes were suggested by them. First was in regard to the category of persons who were exempted from the operation of the Bill. Second was in regard to the definition of a person

to be found in the present Bill as it is introduced. There is a mention of some sort of trial and appeal, a farcical trial it may be; but so long as it cannot be said that you are dealing with a man without trying him—it may be that the trial or the hearing of the case as provided in the Bill is a mere camouflage—but so long as it is there, you have got to attack that and the purely legal question which I raised on the last occasion does not in my opinion arise. That is why I have not taken that point now. If you once assume that these provisions are there and that these provisions afford an opportunity to the person concerned to defend himself then on that assumption, although it may be a mere pretence of a trial, the purely legal question becomes a mixed question of law and fact and I cannot take upon myself to say, however much I may believe in it, that the opinion of this House will be that the trial provided is, a mere farcical trial, a mere pretence of a trial and not a genuine trial.

I would also like to clear the ground by trying to remove some common misapprehensions about communism, Bolshevism and nationalism. Now, the fact is that anything which militates against our preconceived notions of well ordered society is naturally unacceptable to us, but ever since the advent of communism and Bolshevism, every evil is invariably attributed to one of these. There is no doubt that communism contemplates a radical change in society, *i.e.*, the existing society. So does socialism, but socialism has outlived the charge, but communism has not yet outlived it. Then again it must not be forgotten that there are various forms of communism and various grades of communism. For instance we talk here in this House of the theory and practice of Soviet government and the theory and practice of the propagandist communist associations as almost synonymous. These are entirely different things. There are forms of communism, which according to our present standards we call good and satisfactory forms of communism,—and I suppose these were what my Honourable friend Mr. Gavin-Jones was referring to—and there are also bad forms of communism, which according to our present standards we consider not to be

to whom the Act applies; next was concerning the right of appeal to a Bench of Judges against the removal order and lastly the life of the Bill was limited to five years.

—For details, *see* L.A.D., Vol. IV (1928), pp. 1342-84.



acceptable. On the last occasion, there were supporters found in some parts of the House for both these forms, good and bad, and there were also, of course, those who were opposed to both. In fact, I remember I myself took some pains to show that things were not so bad in Soviet Russia as they were supposed to be. But this question only arises by way of answer to the generalisation made from the other side of the House, but so far as this Bill is concerned, I submit, it is perfectly immaterial. I am not one who is for importing communist theories and practices in any form or shape into this country at the present stage of its history. It may be that at some future stage developments might occur, but I am clearly of opinion that communism is not necessary or desirable at the present stage. I have expressed this opinion from various platforms even from communist and the Bolshevik platforms. I am not for it in my country at the present time. That being so, why need we waste time over discussing the various forms or over painting the horrors of Bolshevism and communism when it is common ground that we must not import communist theories and principles into this country at least as we are situated now.

What is the question that remains now? The question that remains is: Is there a real menace to the country? I will assume even that. I will assume that it is a real menace. I will assume also that it is a real menace to well ordered government, although the House knows what my own ideas are about the present Government. Let us assume all that, and then proceed to consider the Bill and the remedy it provides. The question is whether or not it is a Bill which, instead of providing a remedy for the disease, has a very suspicious look of aiming at a very different thing which is far from an evil and is one of the good things which we are still allowed to enjoy.

I would like to deal with the general remarks made by the Honourable the Home Member before I go to the provisions of the Bill.

Sir, Honourable Members have been looking for the principle of this Bill in various clauses, and we have had various statements made as to what the principle of the Bill is. My submission is that the principle of the Bill is a very simple one, and it comes to this: "Where the courts will not convict give us power to punish." That is the principle of the Bill. You may conceal it in any embellishments of style, but that is the thing to which it resolves itself. "We cannot

prove in the ordinary way and therefore we must have extraordinary powers." Why can't you do it in the ordinary way? The Honourable the Home Member has told us that the Government have evidence in their possession. What the nature of that evidence is, has not been disclosed to us; but what was done was that a number of incidents has been relied on between the September Session and now, and we are asked to connect those incidents with communist activities.<sup>15</sup> My answer is that it is not possible for us to do so, knowing as we do, that there are other causes for these disturbances, which are admitted by the Government themselves. Of course, if it was an emergency legislation of the nature contemplated by the laws of all countries, if it was a case of rebellion or something else of the same nature, one could understand that the Executive should be invested with greater powers than it could ordinarily have in normal circumstances. Never has any legislation of this character arming the Executive with extraordinary powers been passed. But in India the land of Ordinances, this power is asked for simply because the prosecution are unable to adduce evidence. An instance of this, sir,

<sup>15</sup> The following were the incidents cited by the Honourable the Home Member in justification of having brought forward the Public Safety Bill before the House :

"In Bombay the Communist Party has captured nearly all the labour unions . . . Lightning strikes, violence and intimidation, still continue, and there have frequently been several deplorable cases of bloodshed . . .

"In Bombay on 12th December a very serious riot took place, in which a small party of police were attacked and were in most imminent danger. On the 19th December, the Deputy President of the Bombay Mill Owners' Association, on going to his mill, found the offices besieged by large crowd of strikers, and on leaving to obtain police assistance, he was violently attacked, and barely escaped with his life. On the 30th December, an Assistant Weaving Master of the Pearl Mills was murderously assaulted and succumbed to his injuries the same day. Three days later, on January 2nd, an upcountry clerk, employed by an Agent of the Standard Oil Company, was beaten to death. On January 11, a very serious disturbance took place at Sewri, in the north of Bombay, attended by fatal casualties. And there have been further serious disturbances.

"In Bengal the situation is hardly less serious. Since last July, for example, there has been continuous labour trouble in and around Calcutta, and during most of this period, certain mills have been closed down, and I am informed now, no statement of demands or grievances has been made. Communists have taken an active part in these troubles."

—*Ibid.*, pp. 392-3.



is the Bengal Ordinance. It was stated—and instances were given in support—that witnesses would not come forward to give evidence in Court, because they were terrorised and coerced, and that there had actually been cases of murder—perhaps more than one—of those who gave evidence for the prosecution. There is no such case here. On the contrary, what do we find? We are assured by the Honourable the Home Member that, so far as Indian communists are concerned, the action taken has been invariably successful. And, therefore it is that he gives us a guarantee that this principle of the Bill will not be extended to any measure affecting an Indian communist. Then, what is the other evidence which is in the possession of the Government? It was said by the Honourable the Home Member that the youth movement was getting tainted by these ideas of communism. Now, sir, the youth movement is not confined to India. It is a universal movement all the world over, and it is a movement which all well-wishers of their country welcome; because it is, after all, the youth of the country with whom the future rests. As for their connection with communism, I, standing here on the floor of this House, deny that it has any connection whatever with communistic ideas or communistic associations. But it appears from what the Honourable Mr. Keane said that the cry of independence is taken in this House to proceed from communism. There is no doubt that there is a strong school who have independence for India as their goal among the young men of the country. This is very natural; but they are amenable to your laws which cannot touch them unless they transgress the laws. You are at liberty to proceed against them when they do so; but I say it is a false charge to accuse them of communism.

Then, sir, it was stated by the Honourable the Home Member that the declaration of 1919 of the Third International, and M. N. Roy's manifesto which follow it, led to some communistic activities in this country. But the answer to that was given by my Honourable friend himself in the very next sentence. He says: "As a result, we instituted certain cases, the Cawnpore communist trial<sup>16</sup>, and

<sup>16</sup> A case of surpassing interest was decided in Cawnpore before the Sessions Judge on May 20, 1924. This is known as the Bolshevik Conspiracy Trial in which (1) Nalini Bhusan Dasgupta whose name is said to be Nalini Kumar Gupta, (2) Shaukat Usmani, (3) Muzaffar Ahmed, and (4) Shripad Amrit Dange were charged with conspiring to wage war against the King-Emperor in as much

we secured a conviction." In other cases too, he has told us that there was success. Six years have since elapsed, and there has been no complaint made by any official Member that anything like what my Honourable friend Sir Victor Sassoon asserted has ever happened in the country, viz., that witnesses were terrorised and so on. When you can use the ordinary law, and that with unique success, I cannot conceive of any valid ground you can have for asking for extraordinary powers.

Then the riots of Bombay and the trouble at Calcutta have been relied upon. As to that, I submit that no satisfactory evidence has been adduced as to the complicity of the communists who had nothing to do with the originating causes of those disturbances. It is said that a man was murdered, I think, the Deputy President of the Millowners . . .

*Sir Victor Sassoon:* The weaving master.

*Pandit Motilal Nehru:* I beg your pardon, that the weaving master was murdered and that the Deputy President was threatened. The very fact that these people were chosen as victims shows that there was nothing in the nature of upsetting society and all the rest of it. On the very face of it, it appears that the motive was personal. May be, rightly or wrongly, these men believed that they had been illtreated by their employers.

Then, sir, my friend referred to a great procession of labour in Calcutta on the 19th January with flags inscribed "Long live the Soviet" and so on. Well, there has been a similar procession with a similar number of people before that, while the Congress was in session and another one after that. I am not sure whether this procession to which my Honourable friend referred was one of the

as they conspired to deprive the King-Emperor of his sovereignty of British India by means of violent revolution. It was alleged that there exists in Europe a revolutionary organisation known as the Communist International, that a section of it has for its object the formation of affiliated organisations in the East, that this section is determined to establish a branch in India under one calling himself Mahendra Nath Roy; that M. N. Roy and the accused communicated with each other and entered into a conspiracy to establish a branch in India, that the party was guided, supported and financed by the Third Communist International through M. N. Roy and that the illegal and the revolutionary activities were to be masked and forwarded by ostensibly legal associations.

The Judge sentenced all the four accused to four years' rigorous imprisonment.

—Quoted in the judgement of the case.



processions which were organised against the Simon Commission, but one was organised about that date and among the flags "Long live the Soviet", I think, the flags that were inscribed with "Go back Simon" were far more numerous than the others. As to the earlier procession I was an eye-witness of it. That was a procession, sir, which also had some red flags and some inscriptions on them. It was made up of quite 25 to 30 thousand people. They assembled on the *maidan*. They were led by high police officials in charge; I think there was a Deputy Commissioner or somebody of the same rank, and they were led into the Congress camp and there let loose upon us, the police withdrawing. Of course we did not want the police. What happened? We found them to be the mildest creatures on earth. They came in, they wanted to hold their meeting, and we welcomed them. We said by all means let them hold their meeting. All that was necessary was to adjourn the Congress meeting, which had not yet begun, for about an hour or so. They took permission to hold their meeting for an hour, and punctually at the stroke of the hour, they retired most peacefully and in a most orderly manner. In this interval I spoke to them. Many of my colleagues also spoke to them, and it was quite evident that all that these people wanted was kind words, kind treatment and help in their trouble. That was forthcoming and they made no more trouble but went away quietly.

Now the Honourable Mr. Crerar said that it had been decided to deal with Indian communists by the operation of the ordinary laws and he hoped to bring the dangerous movement under control by the operation of the ordinary laws.

*The Honourable Mr. J. Crerar:* With the aid of this measure, if and when it is passed.

*Pandit Motilal Nehru:* You did not say that then.

*The Honourable Mr. J. Crerar:* I did, sir, most expressly.

*Pandit Motilal Nehru:* Well, perhaps it was omitted from the summary that I have. But how is this measure going to help? The ordinary law ends in a conviction, in a sentence, and it is the deterrent effect of the conviction and the sentence which will influence the person who has these tendencies and these ideas; it is not the fact that you are proceeding unjustly and illegally against some other persons. That will simply put his back up. Then the Honourable Member put it to us pathetically "Are we to sit idle and

look on?" No, I say "Don't sit idle and look on; you have evidence in your possession; bring it before a regularly constituted tribunal and take your chance as every other executive does". So far you have succeeded. Then he said: "Facts must be faced". Certainly I say face them by all means, but we refuse to face fancies. Facts we can face but not fancies. Then came the climax of the Honourable Member's speech. He said "We have acted on traditional British constitutional and legal practice". I didn't know where I was when I considered those words in connection with the provisions of this Bill. Traditional British constitutional and legal practice on which the Government of Great Britain is based! I must say that the Honourable the Home Member has a very poor conception of the traditional British constitutional and legal practice; and I make bold to say in the presence of the Law Member that you cannot lay your hands upon anything in the British Statute law or constitutional practice<sup>17</sup> which will lend colour to such extraordinary powers being left with the Executive in ordinary normal times.

<sup>17</sup> Under English constitutional law protection and allegiance are interdependent. No Englishman can be forced to give allegiance unless the protection of the fundamental rights guaranteed to him by the various charters of liberty is accorded to him.

The following has been laid down in Section 39 of the Magna Charta :

"No free man shall be taken or imprisoned or disseized, or outlawed, or exiled, or anyway destroyed; nor will we go upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land."

Then Section 40 runs :

"To none will we sell, to none will we deny or delay, right of justice."

This is a part of the contract made by the King. The King grants these rights. Now what happens if these rights are not secured to the subject? Article 61 of the same Magna Charta says in effect that if these rights are not secured to the subject, the subject shall have the constitutional right of rebellion. Taswell-Langmead, in his book *English Constitutional History*, writes at p. 121 :

"The question, how should the compact between the king and his people be enforced, was at once difficult and pressing. The king was left in possession of the legal power and dignity; experience had shown the ease with which former sovereigns had broken their most solemn written engagements; and the insincerity of John was notorious. At this period there were no effective constitutional checks against the king; and so a rude device was hit upon, in its nature really impracticable, by which John granted, in effect, to all his subjects a qualified liberty of rebellion. The whole baronage were to elect a Council of twenty-five barons charged to take care with all their might that the provisions of the Charter were carried into effect. If the king or any of



Well, sir, these were the general remarks made by the Honourable the Home Member, and I may as well dispose of one or two things which my Honourable friend Mr. Gavin-Jones tried to make out. First of all I was rather amused at his surprise that this Bill would be opposed. Well, I think that statement accounts for much of the fear of communists that he has. He relies upon the Pathan murders and workers' victory, and communal riots, and in the next breath he agrees that they were mostly the result of the appreciation of the rupee. The fact is, sir, that these two men, Spratt and Bradley, are on the brain of every Member on the other side of the House. And yet the Honourable Mr. Gavin-Jones said "Oh they are not important people. The people that will come later on or may come, it is for them that we are trying to get this measure through". Well, what have these two men done? As we know, one was tried and acquitted. As for the other one, the charge against him is that he was actually present in Cawnpore, when the Bill was being discussed in Simla. Well, I was not aware that that was an offence. But what happened? There are other events connected with it. The moment the Bill was referred to Select Committee, Bradley bade a very pathetic farewell to the labourers and said "Now my work is done and I am going." Well, I have never seen Bradley, but if a hundredth part of what is stated about him is true, I would expect that he would not be the man who, simply because the Bill had been referred to Select Committee would say: "I now begin to shake and tremble and I must go away."

Then, sir, a statement has been made not only by Mr. Gavin-Jones but also from other parts of the House that a quarter of a million pounds has been set apart by the Soviet for propaganda in India. Now, sir, what is the source of that? On the last occasion I read certain extracts to the House showing how the news of the Riga Correspondent of certain papers was manufactured and how

his officers should violate the Charter in the smallest particular, these barons, or four of their number, were to complain to the king, or in his absence to the justiciar, and demand instant redress. 'If no redress be given within forty days, the said five-and-twenty barons, together with the commonalty of the whole land shall distrain and distress us in all possible ways, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person and the persons of our queen and children; and when it is redressed they shall obey us as before'."

news about the Russian Soviet was manufactured. There is an idle statement in a newspaper or in more than one newspaper that a quarter of a million pounds has been set apart for propaganda and that is readily swallowed by everybody who wants to support this Bill. Now, they say in one breath that Russia is tottering on its legs, that it is economically down and cannot survive more than a few years; and in the very next breath they say it can spend millions of pounds for its propaganda. I do not know how far human credulity can go.

The Honourable Mr. Gavin-Jones said, referring particularly to me and pointing to me, "Suppose the British Government, this organised Government is subverted, would I not find myself locked up in my own house, trembling and sitting in a corner of the house?" Well, I do not know what will happen when that contingency arises; but I can assure my friend of one thing that I shall not tremble so violently as he does at the mention of Spratt and Bradley.

Now, sir, let me say a few words about this Bill. In the first place I draw attention to the fact, which has already been noticed in the course of the debate, that there is no mention of communism here anywhere in the Bill; but, of course, it may be said that although communism is not mentioned by name, we have given the definition of it, we have given what constitutes communism. Very well, I will take it at that. The first provision of the Bill I would draw attention to is clause 2 (iii) (a): person to whom this Act applies means any person (not being an excepted person) who—

"(a) directly or indirectly advocates the overthrow by force or violence of the government established by law in British India or the unlawful destruction of property or the unlawful interference with the ownership of property."

Well, what is unlawful interference with ownership of property? That would include a change in the economic system if one were to advocate it. We know that there have been such interferences with the ownership of private property in the past; they are going on now and may be continued in the future. There was a time when roads and bridges were private property and tolls were taken. What is nationalisation of railways and nationalisation of industries, which,



of course, are advocated not only by socialists but also by those who do not profess socialism—what is it but interference with rights of property?

*An Honourable Member*: It is not unlawful.

*Pandit Motilal Nehru*: So far it is unlawful because there is no law to legalise it.

Then we come to sub-clause (b):

“seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India or with any object the attainment of which is intended to conduce to that result.”

It has been pointed out already and I fully agree with the Honourable Member who pointed it out, that this clause has nothing whatever to do with force or violence. Force is not mentioned. As for subverting the Government, I have already explained my position and the position of the Congress and of every Indian in the House. Unless it is subverting by force or violence, I submit it is not a crime at all under any law; and then not only that, but if we take the last part—“with any object which conduces to the said result”—I say that my friend, Diwan Chaman Lall was quite right when he said that every Congressman would come within it. Of course, the Act will not apply to him because he is an Indian: but we have our affiliated Congress committees in many parts of the world; we have fraternal delegates from many countries and they can be laid hold of under this clause because they may not all of them be British subjects. Anyhow they are not Indians and there is no distinction made here. The Congress may advocate non-payment of taxes when the time comes. Is not that an object which conduces to the result mentioned in this section? It may be a good thing or it may be a bad thing for the Congress to advocate these things, but it is a fact that it does and, therefore, I say that no ingenuity can take out the Congress from this clause as it now stands. There is civil disobedience, there is passive resistance; all these things may conduce and are intended to conduce, to the result mentioned in this section. Then sub-clause (c) says:

“is a member of, or is acting in association with, any society

or organization, whether in British India or elsewhere which advocates or encourages. . . ”

As I have already informed the House, there are Indian Trades Union, which as a matter of fact are not only associated, but affiliated actually to the League Against Imperialism. The Indian National Congress is an Associate Member.

Next, sir, we come to the order of removal, in clause 3. It says:

“If the Governor-General in Council is satisfied. . . ”

How satisfied does not matter. Of course, we know what the usual means of the satisfaction of the Governor-General in Council are; they begin with a report from the lowest Criminal Intelligence Department officer and they end with a note by the Honourable the Home Member. It may be that a telegram comes from some distant part of the world from one of the agents of the British Government—and it is well known throughout the world that the British system of espionage is the most perfect system in the world and no other system comes near it—a telegram comes that so and so has left for India and that he is a man of the kind contemplated in the Bill. Of course, the Home Member is not going to disbelieve that telegram, is not going to take steps to see whether it is true or not. There is a telegram from a representative of the British Government and he gives certain information. It is put up before His Excellency, and, of course, they know nothing about the man; but he is about to arrive, and as soon as he arrives he will be taken hold of. The most remarkable thing about that section is that it is not something done by that man which brings him under the purview of the law; it is the intention that that man is supposed to have: Then the Governor-General is satisfied, and as soon as he is satisfied, there is no hope for the man.

Now, we come to clause 4, and that is the money clause, which, as I have said, gives power to the Executive to put their hands into the pockets of all and sundry and relieve them as much as they like of what they possess. Now, examine for a moment the language of that section. The first clause is supposed to deal with what is called ‘Red’ money received from outside. Now, we know there is our friend Mr. Joshi, who received money from outside. That money



he spent for a very good purpose, namely, to save the women and children of the strikers from starvation. But our virtuous Government feel that a thing of that kind should not occur and decided that:

“any monies, securities, goods or credits have been or are about to be transmitted from any place outside British India to any place in British India by or on behalf of any such person as is described in sub-clause (b).”

and so on—now, mark the language. The object here does not come in at all, it is the person. If the person is not an excepted person and if he sends money—it may be for charity or it may be for anything—that money you can seize at once.

Then comes sub-clause (b), which is even more monstrous. This sub-clause says that:

“any monies, securities, goods or credits, or the sale proceeds of any securities or goods, are intended to be applied in British India in accordance with any directions or instructions given from outside British India by any such person, society, or organization . . .”

Now, sir, that clause deals not with money which comes from outside but with money which is in British India, and the one element which constitutes the whole offence is that it is to be applied in accordance with any directions or instructions given from outside British India by a person who is not an excepted person, that is to say, quite apart from what those instructions are, and quite apart from the fact whether the money was received from outside or whether the money is of India, the hard earned money of the man. Now, sir, the League against Imperialism and various other nationalist and socialistic bodies in various parts of the world have recommended and advocated the boycott of the Simon Commission and things like that. Remember again, the nature of the instructions is not at all material. The moment the man says, “spend this money in charity; those are the instructions received from outside”, he comes under this clause. All that is necessary is that the money is in British India and that it is to be applied under “instructions from

outside" British India. What those instructions are is immaterial. They may have nothing whatever to do with anything of the nature contemplated in sub-clauses (a) and (b) of clause 2. Now, I would ask my friends of the European group if they have really considered this question carefully. What will it lead to? Let me put a case before them. There are tea merchants over there on those Benches. Who of them will not willingly and gladly welcome the restoration of trade with Russia if they find a market for tea there? As we all know there is. It has been in the past a very good market for Indian tea, and here are the people largely interested in that trade. Now, if an order comes from Russia for tea and the man who orders the tea opens a credit—because that is the first essential—I do not think any of my friends would be so careless as to send out tea or any other commodity without any guarantee for money. The usual practice will be followed, and the man dealing with them would open a credit with some bank. Now what happens? The money which is in the Bank has got to be spent under the instructions of the person who has sent it. Now, let us say the Soviet Government orders so many thousands of chests of tea and deposits a certain amount of money in the bank to cover the cost. That very moment the Executive can pounce upon that money. They might say two essentials constitute the offence, first money which is here in the bank, and second money which has to be spent under the instructions of a Soviet agent—and the offence is complete. I don't think my friends could possibly have realised the far-reaching consequences of the clause. It all depends upon the point of view from which you approach the consideration of this Bill. The point of view of my friends of the European Group is one, and the point of view of this side of the House is quite another. We, as is well known, take everything with a considerable amount of suspicion. We examine every word; we see how far the language can be stretched, and then we find out the hardships of the law. The point of view of my friends over there is safety; they are safe whatever the interpretation of the law is. They are the last persons who will be suspected of any dealing with communists and, therefore, they would be the last persons whose accounts would be examined in the bank or whose deposits would be forfeited. They know that they will not be touched and it does not matter if the law is so framed that it can touch. . .



But then what happens to the Congress, Khilafat and other funds, in fact to all public funds which receive any contribution from outside the country? They are at the mercy of the executive under these two clauses. I say if a man who comes under the definition—I shall not call him a communist—sends some money to Khilafat funds and earmarks it and says that that is to be spent on the building of a mosque, I challenge anybody to show that that will not come under this section. Then comes forfeiture and so on. Again, you may enter upon, and search, for any monies, securities or goods in any premises where they or any of them may reasonably be suspected to be, and may seize the same wherever they may be found. Now, I ask, would a Congressman, would a member of the Khilafat, or a member of any public body which has to do with funds, be safe from that? We, who know the source of the information to the Governor-General, and what poison has been instilled into his ears, we want safety in the law and not safety in your pious intention.

Now, we come to the very much boosted provisions which look like a judicial trial. The High Court is placed first as the dignity of that Court demands. What power has the poor High Court got? The High Court can only say this, that this man is an Indian, and this other man is not an Indian. That is all, and the jurisdiction ceases. It can only say that this man ordinarily resides in India, and the other man does not. Look at the section:

“The High Court may, on application made by or on behalf of any person in respect of whom a removal order has been made, set aside the order”—

On what ground?

—“On the ground that such person is an excepted person, and on no other ground.”

So that the High Court can only say who is an excepted person—a British Indian, or a subject of the Indian States or an Englishman who has been residing in this country for more than five years. Therefore, the poor High Court, with all the splendour and pomp surrounding it, is precluded from going into the act of the man,

and seeing what wrong he has done. All that it will do will be to say: "Here is Pandit Motilal Nehru; well, I know he is an Indian. Here is James Watts or somebody, he is not an Indian." Need you trouble the High Court for that? Anybody can tell you—and the information of His Excellency the Governor-General cannot be wrong at least on this particular point—whether a man is an Indian or is not an Indian.

And then what is to be done? This offence is put on the same level as an offence of murder. Seven days' time is allowed to a murderer for his appeal. We have got seven days time for the man to appeal. That is section 7. Within seven days he has got to appeal. On the eighth day he may be too late. Now, what happens after he appeals? Then comes the provision of law upon which my Honourable friend, Mr. Keane—I am glad that he has been roused—very much relied. He said, three experienced judges, and what more do you want? This man is to be brought up before three experienced Judges? I say that if this man were to be brought up before three angels, they would not be able to do anything for him. And why? Simply because, though the Judges are there, they are crippled, they cannot exercise their function.

*Mr. Kabeer-ud-Din Ahmed:* Why?

*Pandit Motilal Nehru:* Because the evidence is one-sided, because they are told not to lay the whole of the evidence or the facts before the accused. What can a Judge do in those circumstances? How can he possibly expect the case against the accused to be disproved unless the accused knows what that case is? All that you give to the accused is a general statement. These three learned Judges sit there. The Counsel of the accused has no access to the documents, the confidential documents, documents which will be marked confidential, and the accused, poor man—what can he do? So, the poison is there to taint the fountain of justice against him. For the rest he is asked to show cause. My Honourable friend Sir Victor Sassoon laid great stress upon the fact that, while in Australia there is only a Board, here you have three experienced Sessions Judges of more than five years standing. But what are they to do? What can they do, unless they allow full scope to the accused person to prove his case.

The whole point of the legislation is—and that is, I submit, the danger of laymen dealing with law—my Honourable friend, Sir



Victor Sassoon, has from time to time admitted that he is a layman and that he is . . .

*Sir Victor Sassoon:* Has always admitted it.

*Pandit Motilal Nehru:* But that is the danger. You should not have touched it. You say, here is a Board. What for is the Board constituted in those countries? If you look through the list of disqualifications, imbecility, and so on. And when a man is brought before that Board, you will find they mostly consist of diseases, contagious diseases, insanity, have only one Magistrate who is a Judge, and the others who are appointed upon the Board are most probably experts who have expert knowledge, and that is why the law provides for such a Board. Then, you must also understand that that law is not aimed solely at communists, although in one clause they are mentioned, but it is aimed really against the great mischief from which those countries suffer, and that is, by importing men who spread disease, men who are worthless, who are imbeciles, who are simply a dreg on society, and they want to keep them out. Those are immigration laws. I say, "Please don't give me these three Judges; give me three men from the street, produce all your evidence before those three men, and let me criticise and cross-examine that evidence, and then you can do what you like with me". There is no use giving those High Court Judges. You might give three Privy Councillors. With that restriction on their powers they cannot help the victim.

Then we come to the appeals against the order of forfeiture or prohibition order. Here 15 days are generously allowed. Perhaps that is enough and the same type of bench will be constituted. Here we have the words "or are about to be transmitted or are intended to be applied in any manner". The intention to apply is an offence. And on what materials is the accused to be tried? Those materials are not open to his scrutiny. This is called justice. Can there be anything more barbarous than this? There is the same protection as regards the confidential character of the facts and circumstances.

Then comes the requisition to go into any bank, call upon the bank to produce any account whatsoever. You have to do that if you want to trace the origin of the money or the purpose for which it is used. You can go through the pass books and cheque books. If the cheque has been issued to a well-known communist, it is clear what the intention was. I think no Indian bank is safe. I know that

the Imperial Bank is safe. I am not pleading here for the Imperial Bank. Remember that you are asking us to believe in your appraisal of the evidence and therein, I say, lies the monstrosity and the barbarity of these provisions.

Then comes the punishment for the man who disobeys the order. He is asked to go away. If he simply sits at home he is guilty and then he is put before a magistrate and punished. Then we come lastly to the *carte blanche*—indemnity to all executive officials:

“Save as expressly provided in this Act, no removal order, no order of forfeiture and no prohibition order shall be called in question in any court.”

So, the right of habeus corpus goes and all and sundry who are entrusted with the carrying out of these orders are indemnified. There is no action against them. It is a very happy state of affairs for those who have the power, but consider those who have not and who do not believe that the language will not be stretched against them. My Honourable friends there [*pointing to the European Group*] sit there quite content and satisfied like the pigeons of Kasbha. My Honourable friend Nawab Sir Abdul Quaiyum knows it and I may remind him of what the poet says:

Tú ai kabúta-e bām-e Haram che meedani  
Tapìdan-e dil-e murghan-e rishta par pá rá

meaning:

Thou, Oh pigeon of the roof of Haram  
What dost thou know of the agonies of birds  
With their feet tied.

That is the position. You are the pigeons on the roof of Haram. We are the pigeons with the string round our feet.

Sir, I am afraid I have trespassed too much on the patience of the House. There is one remark of my friend the Home Member which strikes me as giving some hope provided we are given the necessary instruments. What he said was—after deductions are made for adverse industrial and economic conditions, the originating cause



has been found to be communism. I should like to know what those golden scales are which my Honourable friend has used, which enables him to say—after deducting so much from the general troubles, this much applies to economic causes and this much to the intrigues of communism. If he has invented any such instrument, we shall gladly co-operate with him and try to weigh these things in his instrument and find out the weight of each.

Sir, in conclusion I will only say that communism or any other set of opinions and theories can only be fought in the open. You cannot forcibly put it down. You have to defeat it in argument. Whether you allow the men holding those opinions to come to this country or not, opinions will come and you cannot stop them. The business of every government and every executive is to step in the moment the law of the land is transgressed, the moment any violent activities are undertaken which are against the law. Here by this Act you are punishing intentions, the intentions of people across the seas. You are going to judge those intentions here and deprive people of their money and, if any of them happen to come, of their freedom of action.

I submit, sir, that while much has been said in other speeches about the terrors of communism, and some of the speeches—notably the speech of the Honourable the Home Member and that of the Honourable Sir Denys Bray—are speeches which may well be read and admired for their literary merit, yet for reasoning you find there is nothing but assumption, one thing wholly unconnected with another and whatever has happened in these four or five months, that is due to the fact that this Act was not passed in the last session.

Sir, I mean no offence when I say that platitudinous pomposity is not argument, much less is it good administration. The best description that can be given of the principle that is involved in this Bill was given somewhere—I read it a few days ago—that it was a piece of arbitrary absolutism. I think that is a very apt description.

Sir, I do hope that no Honourable Member, at least on this side of the House, will vote in favour of this motion. I do beg the Members of the European Group to consider the Bill on its own merits, on its own language, on its implications, and then come to a conclusion independently of the very safe position that they enjoy.

[The motion to refer the Bill to Select Committee was adopted]

# Circumstances of Lala Lajpat Rai's Death

*Speaking on the Resolution\* regarding the circumstances leading to the death of Lala Lajpat Rai on 15th February, 1929.*

Mr. President, it was my intention to record a silent vote on this occasion, which I thought would be a sad occasion, but the amazing speech delivered by the Honourable the Home Member<sup>1</sup> has intro-

\* Pandit Dwarka Prasad Misra moved :

“This Assembly recommends to the Governor-General in Council that he may be pleased to convey a message from this Assembly to the Secretary of State for India, and through him to His Majesty's Government that this House strongly resents the insulting reply of Earl Winterton, the Under-Secretary of State for India, given on 20th November, 1928, to questions from the members of the Labour Party regarding the circumstances of Lala Lajpat Rai's death and that this House believes that the death of Lala Lajpat Rai was accelerated by the injury he received at the hands of the police while leading a boycott procession on the arrival of Simon Commission at Lahore, and is of opinion that the enquiry conducted by the Boyd Committee was unreal and instituted deliberately to justify and whitewash the crimes committed by the police.”

—L.A.D., Vol. I (1929), pp. 832-3.

Munshi Iswar Saran moved :

“That for the original Resolution the following be substituted :

“This Assembly recommends to the Governor-General in Council that he be pleased to appoint a committee consisting of the Honourable the Home Member, Pandit Motilal Nehru, Pandit Madan Mohan Malaviya, Sir Purshotamdas Thakurdas, Sir Abdul Quiyum, Maulvi Muhammad Yakub and Munshi Iswar Saran to enquire into the allegations which have been made regarding the assault on Lala Lajpat Rai, the Leader of the Nationalist Party in the Assembly, and its effect in causing or hastening his death, and to issue instructions to the committee to submit its report within one month of its appointment.”

—*Ibid.*, p. 840.

<sup>1</sup> Mr. Crerar, putting forth the Government's case, characterised the speeches of Pandit Madan Mohan Malaviya and Lala Hansraj, two eye-witnesses to the Lahore incident, as mere impressions and the entire non-official case as political demonstration. He refused to agree to the “victimisation of officials” for poli-



duced a measure of bitterness on this sad occasion, which compels me to put a few of my ideas before the House.

I have hardly anything new to add to what has fallen from the lips of my friends who have spoken before me. But it appears to me that in the interests of the Government itself the speech that the Honourable the Home Member made just now was a most amazing one. It was only the other day that the Governor-General addressed this House and pleaded for mutual trust and confidence. Here we have in the speech of the Honourable the Home Member, a specimen of that mutual trust and confidence. A case is brought to the notice of the House of which the Honourable Members themselves have personal knowledge. They stand in their places and assure the House of the correctness of the facts. What do they demand? They demand an enquiry. As the House has been informed, the whole country has been reiterating this demand; the whole country is convinced that it was nothing but a case of murder.<sup>2</sup> My Honourable friend Mr. Jinnah, the careful lawyer that he is, has not used that word, nor has my Honourable friend Mr. Jayakar used that word. Nor do I accuse any particular person of murder. But, sir, I have not the slightest hesitation in saying that if the facts are as they are stated to be, it was nothing but murder. One single incident of the whole affair which has been referred to by more speakers than one on this side, namely, an unknown person appearing for a moment upon the scene, holding an umbrella over the head of Lala Lajpat Rai, and disappearing the next moment, that single incident is full of meaning. What follows is the attack on Lala Lajpat Rai. Any reasonable man, any man given to the habit of connecting cause with effect, can have no possible doubt in his mind that the holding of the umbrella over the head of Lala Lajpat Rai had a significant connection with the assault. It meant pointing out the target and showing who the victim was to be.

tical reasons. The Home Member said that no *prima facie* case had been established to institute an enquiry.

—*Ibid.*, p. 847.

<sup>2</sup> It was contended by all the non-official Members that Lala Lajpat Rai and the citizens had assembled at the Lahore railway station on 30th October, 1928, to organise a boycott procession against the Simon Commission. The assault by the police was unjustifiable, unprovoked and uncalled for. It was this assault which led to the ultimate demise of Lala Lajpat Rai.

—*Ibid.*, pp. 843-4.

I am only taking the facts as they have been stated, and I do not think any Honourable Member of the House on this side asks the Government to take those facts as finally and fully established. What do I ask for? I say that, in the face of these facts, in the face of the very serious allegations against the police and against the conduct of the officials who were there, it is your bounden duty to hold an inquiry of a nature which would satisfy the public demand.

The view that I take of the matter is slightly different from the view which has been taken by my other friends on this side. I am not at all keen upon an actual inquiry. I am only anxious to show to the Government the urgent necessity for an inquiry and of convincing them—if it is possible to convince the Government of anything—that in view of the fact that the public and the world at large consider this to be pre-eminently a case for an enquiry, it will be in their own interest to hold it. If after that, the Government will not hold an enquiry, they will do so at their own risk. I am not here to save the Government from the consequence of their own action. If they choose to sit upon the safety valve, it is no business of mine to do more than tell them where they are sitting and what the result will be. Once I have told them, my business is done. If they refuse to budge from that place, and if they insist on sitting on the safety valve, let them by all means do so and take the consequences. In the face of this demand, if you do not hold an enquiry, what will be the result? The result will be that the popular belief will continue that Lalaji met his death at the hands of the police under circumstances which may amount to murder by the officer concerned. I say you cannot help people coming to that conclusion. It is the most natural conclusion which they can come to. The most amazing part of it is the manner in which the whole question has been dealt with by the Honourable the Home Member. He has gone into the facts; he has discussed the evidence, as if he was addressing a Court of Appeal, and he says upon that evidence that the only inference to be drawn is that the police did their duty.

*An Honourable Member:* And the House ought to be satisfied with it.

*Pandit Motilal Nehru:* If the Government think that they have such satisfactory evidence, let it be put before an impartial tribunal, let it be placed before a committee in which the public and the world at large have confidence. Why should you shirk that unless



you know in your heart of hearts that you have no case to lay before the committee.

*An Honourable Member:* They know it.

*Pandit Motilal Nehru:* That is what I am saying. The Honourable the Home Member has spoken of the policy of latitude which the Government of India and the Provincial Governments have given in the matter of allowing all kinds of demonstrations whether for or against the Simon Commission. I happen to be one of those who was in close proximity to the scene of one of these demonstrations, though unfortunately not in the demonstration itself. I am talking of Lucknow.<sup>3</sup> The policy of allowing full latitude was observed in this manner. A plot of ground was allotted to the non-co-operators numbering thousands upon thousands. That was out of sight of the exit or the portico from the railway station where they came out. Right in front a whole block was empty. There were a few who were called the depressed classes. They were there in that block. They were made to sleep there the previous night. There were something like—I forget the exact weight—there were something like several seers of *charas*, *ganja*, and other refreshments supplied to them that night. In addition, each of them was paid cash of Rs. 2 or thereabout. In spite of these inducements, they were not there in sufficient numbers to fill that plot of land. Then further on there were co-operators. Of course, all these would see the Members of the Commission as they came out of the railway station. The non-co-operators, in their thousands upon thousands, were about three furlongs away from the station. When the Commission arrived near the almost empty space where the depressed classes on the previous night had their revel, some of them were crying—I forgot to say—some of them, in the heat and excitement of the moment, were crying out “Simon, go back”. There were others who, when they saw that this space was empty, tried to enter it and it was there that the assault took place.

Now, I have no hesitation in saying from the reports which I got

<sup>3</sup> The Commission arrived at Lucknow on 30th November, 1928. Here for sometime past the local boycott committee was holding rehearsal demonstrations. There were brutal attacks by the police and on the day when the Commission arrived at Lucknow mounted and foot police displayed their skill with the baton and *lathi* on the heads and backs of well-known public workers and injured hundreds of others.

then and there, that if Jawaharlal Nehru had not been the young and strong man that he is, his fate would certainly have been the same as that of Lalaji. It was he who was attacked, not from one side but from three sides, and but for the fact that his young following simply surrounded him three or four deep, he could not possibly have been left alive—the attack was so concentrated in one spot. I am making no charge—I do not care, nor does the boy care—but I am talking of the latitude that has been given to all, whether they are co-operators or non-co-operators. And it is known, the country knows too much of this sort of thing now to be deluded by this phraseology. Besides Jawaharlal Nehru there was Govind Ballabh Pant, the Leader of the Congress Party in the local Council, and they both came in for concentrated attacks. I saw both of them and they appeared just as if a painter had painted them black and blue all over their bodies, but they are both young and strong men, and they made light of these serious injuries.

Then the Honourable the Home Member says that it was because they defied all orders that such precautions were taken. It seems to me that, in the climate of India, English words have lost their English meaning. What does “strict precautions” mean? “Strict precautions” means belabouring people with *lathis*? And what, in the name of commonsense, is the precaution that one can take when an order is defied, an order under Section 144? The utmost you can do is to prosecute the man, or if it is a serious case, to arrest the man on the spot. Well, take the case of Lalaji now. It is not the case of anybody that there was a general rush, so to speak, upon the police or that the police made a general charge upon the mob. It is just the case of a few who are said to have gone beyond the barrier but had to be sent back to the barrier. They might have been easily arrested; but I am not going into that fact. I do not desire any Honourable Member to go into the facts and take it upon himself to say as to what it was that actually happened. All I am concerned with is this. Here is a grave and serious charge against an official, a high official of the Police Department, and here is the Government trying to shelter him from that charge.

Now, the most remarkable thing that the Honourable the Home Member said was that there was no *prima facie* case, no *prima facie* evidence. I really do not know what the Honourable Member's conception of a *prima facie* case is. Here we have on the floor of



this House—I say dismiss everything else from your consideration—the statement of Lala Hans Raj. My friend Pandit Malaviya was not there on the spot when this thing occurred. Now tell me—let anybody who has had anything to do with the weighing of evidence tell me—that that statement does not show a very strong case, much more than a *prima facie* case. If I am right, what is the defence, I ask? Two enquiries have already taken place.<sup>4</sup> If you hold a hundred enquiries of the nature you have held, that would not satisfy anybody. You have come now face to face with a situation which demands an open enquiry by a duly constituted committee or tribunal or commission, or whatever you call it, in which people have confidence, which carries confidence by its impartiality, and the personnel of which commands respect. But if you shirk it, if you are not prepared to grant it, then I would entirely agree with my Honourable friend who said that you have lost all sense of decency.<sup>5</sup>

[Resolution of Munshi Iswar Saran was adopted]

<sup>4</sup> In the first instance the Punjab Government appointed a departmental enquiry. Because of a number of non-official versions of the incident, which had been published in the Press, the local Government, suspending judgement on the result of the first departmental enquiry, decided to have a second enquiry, which is known as the Boyd Committee enquiry.

<sup>5</sup> These were the concluding remarks of Mr. M. R. Jayakar on the Resolution.

# Present System of the Government of India

*Speaking on his motion that the Demand under the head 'Executive Council' be reduced to one rupee, on 11th March, 1929.*

Mr. President, I move:

“That the Demand under the head ‘Executive Council’ be reduced to one rupee.”

The question I am going to raise on this motion is the old, old constitutional question. It is a hardy perennial which has taken firm root in the rich soil of the present system of Government. It thrives in the soil of benevolent despotism, receiving continuous nourishment from the stream of executive highhandedness, which careers merrily along in its uninterrupted course throughout the year. It is an evergreen, which comes into blossom about this time of the year with what looks like the promise of a rich harvest of fruit. But the ever vigilant bureaucratic gardener, who knows that the fruit is likely to be poisonous for him, takes care to gather the blossom before it can fulfil its promise. He sets to work again. The plant, which is now a tree, shoots out new branches with greater wealth of foliage than in preceding years, and blossoms forth again at the appointed time. But that blossom again lies at the feet of the gardener before the fruit has taken form. This process goes on from year's end to year's end, the tree becomes stronger and stronger every year, and the annual blossom richer and richer, but always gathered before there is any sign of the fruit. The only consolation to those to whom the fruit is not poison but nectar is that the tree is still growing and that the blossom, when it next appears, will be out of the gardener's reach. It will then more than fulfil its promise. Sir, this is the exact situation. The national demand which is the hardy perennial of my metaphor has all these years been nourished on the excesses of bureaucratic power. Year after year it has come



into full blossom at the budget debate but has never borne fruit. The time has now come when it is beyond the power of autocracy to prevent fruition in the ordinary course of nature. To those who have the eyes to see, it ought to be clear that all further attempts to hinder or delay this natural process are bound to end in disaster. But before I proceed, let me once again explain the genesis of my motion.

Our quarrel is with the present system of administration, and the Executive Council of the Governor-General is the fountain-head of that administration. The only point in its armoury exposed to our attack in the budget is the votable portion of the Demand, which is the trivial figure of Rs. 66,000 under sub-head "Touring Expenses". Let me make it quite clear that it is not our intention to deprive our Honourable friends on the Treasury Benches of their comfortable saloons and force them to walk long distances with rations of parched gram in their pockets, as the late Sir Alexander Muddiman<sup>1</sup> thought we were aiming at. As I said, the motion raises a constitutional question and is based on the principle of redress of grievances before supplies. We cannot refuse supplies which are not submitted to our vote, and have, therefore, to content ourselves with refusing that part of the demand which is voted. The implication in theory, however, is the same as it would be if we could refuse supplies altogether.

I will, sir, with your permission, briefly recapitulate the history of this national demand. It was in February, 1924 that it was first put forward in this House by a Resolution which, in the form of an amendment, I had the honour to move.<sup>2</sup> That amendment asked for full responsible government and a round table conference. It asked that, after a round table conference had come to conclusions, and framed a constitution for India, with due regard to the interests of the minorities, that constitution was to be given the sanction of law by Parliament after it had been passed by a new Legislature, elected on an enlarged franchise. This Resolution was passed by an overwhelming majority, but the only response

<sup>1</sup> Home Member.

<sup>2</sup> Refers to the amendment to Mr. T. Rangachariar's Resolution moved in the Assembly on 8th February, 1924.

—For details, see p. 101, *supra*.

which it elicited from the Government was a departmental inquiry.<sup>3</sup> That response could not be improved upon by Lord Olivier<sup>4</sup> who simply repeated, what had been said in this House, from his place in the House of Lords.<sup>5</sup> We then refused the first four grants and rejected the Finance Bill. All the grants which we had refused were restored,<sup>6</sup> and the Bill was certified. This was followed by repression in Bengal. That is an oft-told tale and I do not propose to go into the details of that repression. Tracing the history of the national demand further, we come to a period which was covered from July to December 1924. During this period, various conferences were held throughout the country, and these conferences unanimously supported the demand as it was adopted by this House. Then we come to the year 1925. On the 20th February of that year the demand was again put forward on the Railway Budget by refusing the whole grant and the Executive Council grant. In May 1925 there was the celebrated speech of the late Mr. C. R. Das,<sup>7</sup> in which he made a generous offer. All that he asked for was to have a place from where he could grow. I am not repeating his words as I have not got them before me. He said that, unless there was something which enabled our countrymen to find themselves and to determine

<sup>3</sup> Refers to the Muddiman Enquiry Committee.

—For details, *see* p. 252, *supra*.

<sup>4</sup> Secretary of State for India.

<sup>5</sup> Commenting on the Resolution of Pandit Motilal Nehru re : the establishment of full responsible Government in India, Lord Olivier cited the provisions of the Government of India Act 1919 and said that the resolution was an entire departure from the principles laid down in the Act. "Government of India Act provides that, not later than 1929, a Royal Commission shall be sent out in order to consider what further modifications can be made in Indian Government".

—H. L. Debates, Vol. 56 (1924), c. 332.

<sup>6</sup> The Grants were restored under Section 67-A of the Government of India Act, which empowered the Governor-General in Council to restore cuts if he thought that course necessary for the working of his departments.

<sup>7</sup> To clear the air and to give an idea on what terms the Swaraj Party was willing to abstain from their attitude of continuous and constant opposition and to co-operate with the Government, keeping in view the avowed policy of their party, namely, the attainment of complete self-government, Mr. C. R. Das, as President of the Faridpore Conference made the memorable speech (in Bengali) on 2nd May, 1925. Mr. Das was contemplating a new departure and was about to undergo a political metamorphosis from pure non-co-operator into a conditional co-operator.



for themselves what was to be the constitution by which they were to be governed, unless there was free scope and no hindrance there could be no co-operation with the Government. Lord Birkenhead<sup>8</sup> wholly rejected this proposal. Meanwhile there had been the Muddiman Committee and the Majority and the Minority Reports of that Committee.<sup>9</sup> Lord Birkenhead accepted the Majority Report and refused to adopt any of the recommendations made by the very weighty Report of the Minority. Then we come to September 1925. The national demand again came up and it was put forward in answer to a Resolution of Sir Alexander Muddiman as an amendment indicating the lines upon which the constitution for India would be acceptable to the country.<sup>10</sup> That again was a demand for full responsible government. That Resolution represented the agreement of the two principal Parties—I cannot say of all Indian Members of the House, as some of them were out of it—but it was an agreed resolution of the Congress Party and the Nationalist Party. That again was carried by a large majority. Then came the speech of the Governor-General in the Council of State, where he formally rejected the offer. Now, in putting forward the demand in February 1924 and again in September 1925, I took occasion to make the position of the Congress Party perfectly clear. I told the House that we came in as non-co-operators, but that we were willing to co-operate on our own terms and that we were willing to discuss those terms with any representatives of the British Government who had the power to discuss them with us but that we would not submit to any constitution which was going to be imposed upon us from outside. Now that offer of co-operation was also rejected and the Muddiman Committee Report was accepted, I mean that of the Majority.

*An Honourable Member:* Afterwards it became the Minority.

*Pandit Motilal Nehru:* My friend here reminds me that it became a Minority Report by reason of the change of views of one of the members of the majority after he retired from office.

At this juncture the Indian National Congress, in December 1925, decided that Congressmen were to go to the country at the

<sup>8</sup> Secretary of State for India.

<sup>9</sup> For details of Majority and Minority Reports of the Reforms Inquiry Committee, see footnotes 1 to 3 at XXI, *supra*.

<sup>10</sup> See pp. 252-5, *supra*.

coming elections, gain its support to the national demand, and work among the people for the necessary sanctions. When returned to this House they were to put forward the national demand once again, and if it was not heeded, they were to walk out. These directions were faithfully followed by Congressmen. They came back to the Assembly in larger numbers. They put forward the national demand which I had the privilege of doing in March 1926.<sup>11</sup> After the demand was put forward the whole of the Congress Party walked out.

*Mr. Kabeer-ud-Din Ahmed:* With what result?

*Pandit Motilal Nehru:* The result so far you have seen, and you will see what follows. Then came the next session—January to March 1927. All the Parties again stood by the national demand, and reiterated it in the House on the cut on the Executive Council. That was at the budget discussion of 1927. We then set about to set our own house in order, and various conferences were held in the country for communal and political unity, and to frame an agreed constitution.<sup>12</sup> While these proceedings were going on, and efforts were being made by the people to secure their rights, the Government in England appointed the Simon Commission. That Commission, as we all know, was appointed in spite of the wishes, almost unanimous, of the people of India. There never was greater unanimity on any point, than on this—that the Simon Commission was not wanted and that what was wanted was something very different, namely, a constitution made by ourselves. Now it may be that it was not precisely for the same reasons, but the fact remains that all Parties united in boycotting the Commission—by all Parties I mean all political Parties of any standing in the country, Parties

<sup>11</sup> Pandit Motilal Nehru, in the course of his speech on 8th March, 1926, elucidated the position of the Swaraj Party towards the Executive. After the speech, he withdrew from the House and was followed by all the members of the Swaraj Party.

<sup>12</sup> The Madras 1927 session of the Indian National Congress authorised its Working Committee to convene an All-Parties' Conference with a view to drawing up a constitution for India acceptable to all parties. This All-Parties Conference met in Delhi in February and March 1928 and in Bombay in May of that year. After much discussion, the Conference appointed a committee under the chairmanship of Pandit Motilal Nehru to determine the principles of a constitution for India and to prepare a report thereon. The Report submitted by this Committee is known as the Nehru Committee Report.

—Contained in Menon's *The Transfer of Power*, 1957.



that had existed from before, and had exercised some influence in the politics of the country. Well, the boycott of the Simon Commission was decided upon and we all know how that boycott has been carried out. Sir John Simon and the members of his Commission will soon be returning, after practically finishing their work, to Delhi, and will shortly after that go back to their home to the relief of the whole country.

As to what they have been able to accomplish, that of course nobody knows, but it will sooner or later appear, I am quite sure, in the form of a voluminous report. So far, however, as the country is concerned, so far, as those who, from the beginning boycotted the Simon Commission, are concerned, they have nothing whatever to do with it. As regards the Congress, it goes much beyond the other boycotting Parties. Even if Sir John Simon makes a report which satisfied other Parties, it is not going to satisfy the Indian National Congress. Indeed, so far as appearances go, and so far as one can judge by the signs, they are going to produce a report which in all probability will satisfy nobody, except perhaps my friends of the European Group and the Treasury Benches.

Well, in 1928, the national demand was repeated<sup>13</sup> in this Assembly. At the same time there was an All-Parties Conference held in Delhi. It continued its deliberations from February to March, and a Committee was appointed to recommend the principles of a constitution for India. Another Conference was held in Bombay later in May and another Committee was appointed. This Committee sat day after day, in the hot months of May, June, July and August and, working against time, produced a report. Now, sir, the latest form which the old national demand has taken is that contained in the constitution framed by this Committee, over which I had the honour to preside. It is based on the constitution of the Dominions and claims the same form of full responsible government which the Dominions enjoy.

So far as this basic principle is concerned, the whole country and all shades of opinion, political, religious, commercial and industrial, are fully agreed. There is, of course, that important wing of the Congress which aims at complete independence, but there is

<sup>13</sup> Was discussed in the form of a Resolution, moved on 16th February, 1928, by Lala Lajpat Rai, regarding the Statutory Commission.

—See pp. 335-44, *supra*.

no section of the people who will have anything less than full dominion status. As for the Independence Wing of the Congress, it has also agreed to adopt the constitution framed by the Committee, if it is forthwith conceded by the Government.

This is not the place nor the occasion, to discuss the details of that constitution, and I must make it perfectly clear that I am not asking this House to adopt it either in whole or in part. I mention it as an important event which has happened in the course of the year, and also to emphasize the fact that, so far as Government are concerned, we are at one in our demand for responsible government of the dominion type. We have on this motion nothing whatever to do with the merits or demerits of that Report on particular points of detail, however important they may be considered by some of us to be. What we are concerned with on this motion is the failure of the Government to give adequate response to the demand for full dominion status. I hope Honourable Members will fully realise this when they speak or vote on the motion. That vote can only be one, after the Resolutions we have been consistently adopting so far, and that in favour of the motion.

I will not blink the fact that there are certain points arising out of the general scheme of communal settlement proposed by the Committee which are the subject of controversy between certain sections of Hindus, Mussulmans and Sikhs. But having regard to the magnitude of the task undertaken by the Committee, I make bold to say that the existence of those points of difference is no matter for surprise. Indeed it is a matter for surprise that there are not more points of that nature. Such differences must, in the very nature of things, arise in all countries inhabited by several communities, when attempt is made, for the first time, to frame a constitution, and experience shows that they have, as a matter of fact, arisen in many countries. Such differences are never settled by argument, but have a way of settling themselves when people are faced with bigger issues involving immediate attention and prompt action. Without in the least, attempting to deprecate the attitude adopted by any section of the community, or pronouncing any opinion on its view point, I have no hesitation in saying that the root cause of those differences lies in the common distrust of the Government. I have often heard responsible politicians say that they would not insist upon this or that if they were only sure that the Government would



concede the main demand put forward in the Report, namely full dominion status, based on adult suffrage, but as, in their opinion, that is not to be, they feel they would be seriously handicapped if they resiled from the position taken up by them. The necessity for additional safeguards is felt only to meet a situation which might arise by the Government forcing half-hearted measures of reform on the people. I am absolutely certain, in my own mind, that no sooner full dominion status becomes an accomplished fact, all differences will automatically adjust themselves. The Indian National Congress has no such misgivings upon this point, as it is determined to have full dominion status immediately, and nothing short of it. If it is not forthcoming in terms of the Resolution passed by the Congress at its last Session in Calcutta<sup>14</sup>, nothing in the Committee's Report will bind anybody and Congressmen will be free to follow their own programmes and invite the country to join them. It is, therefore, unnecessary for me to take the time of the House over these minor matters, and I appeal to Honourable Members, whether elected or nominated, to refrain from discussing these matters on the floor of this House. The door of negotiation and compromise between ourselves is still open and will always remain open. No constitution, however carefully drawn up, can subsist for all time to come. The working of all constitutions has, from time to time, revealed defects and hardships which have had to be removed. As I have said on more occasions than one, we do not claim perfection for our scheme. Whatever defects there are in it will, I am sure, be easily removed by mutual settlement sooner or later. So far as I am personally concerned, I wish to make it quite clear that, on the few points of difference that still remain to be adjusted, I would certainly concede the full demand made by either Party if only the other Party would allow me to do so. But in the absence of such agreements, we must wait to find some formula which would be acceptable to all. I have not despaired yet of such a formula, but as sure as I stand here, that formula will be found the moment there is a reasonable certainty of full dominion status being established, if not long before that. For the present, however, my Committee and I feel that we shall not be justified in departing from the general scheme of our recommendations.

To the Treasury Benches I say, do not seek shelter under the few

<sup>14</sup> For the text of the Calcutta Congress Resolution, *see* footnote 18, II, *supra*.

points of difference that still remain to be adjusted among us. Come out with what you have really in your minds. Are you or are you not prepared to concede full responsible government of the dominion type? If you are, then take the necessary steps to bind yourselves to your promise and we shall not have any difficulty in presenting an agreed constitution on the basis of full dominion status. Do not tell me: we must wait for the Simon Report, and the parliamentary procedure which must follow. We, on this side, have nothing to do with the Simon Report or anything to be done hereafter on the basis of that report. But we have always been and are still ready to confer with the representatives of the British Government on equal terms, provided that India has the predominant voice, and provided also that any agreement reached in such a conference is duly given effect to by necessary legislation.

His Excellency the Governor-General was pleased to say, in his inaugural address, that Parliament would not reduce itself to being a mere Registrar of decisions of other persons.<sup>15</sup> Let me, with due deference, point out that it will not be the first time in British history for Parliament to register a constitution framed by the people in consultation with the representatives of Great Britain. It has already done this in the case of South Africa, in the case of the Irish Free State, and practically also in the case of other Dominions. We do not deny that Parliament is supreme, but the giving effect to mutual agreements and understandings between two great people by necessary legislation will not, in the least, detract from that high position. On the contrary it will only add to the credit, the honour and the dignity of the great Mother of Parliaments. His Excellency also charges us with intolerance and impatience. In the brief sketch I have given of the history of our demand, I have shown how tolerant and patient we have been. All I can say is that the cup is now full to the brim and will not hold another drop.

My attention has been called to a recent statement made by Sir John Simon, wherein, after his usual platitudes, he holds out the hope of a constitution for India being ultimately framed by Britain and India together. We cannot allow ourselves to be deluded by such pious hopes. I attach no more importance to the statement than there is in the usual invitation to a famous parlour. Sir, I

<sup>15</sup> Inaugural address delivered on 28th January, 1929.

—Text of speech, *see* L.A.D., *op. cit.*, pp. 1-8.



am no believer in omens, good or evil. But it cannot be denied that certain events have happened and are happening in a most ominous manner which have a significance of their own. It seems that we are moving in cycles of ten years. It was in 1917 that Mr. Montagu<sup>16</sup> came out to India. It was in 1927, exactly ten years after, that the Simon Commission was appointed. In 1919 there were two Bills popularly known as the Black Bills, or the Rowlatt Bills, which were passed over the heads of the Legislature. In 1929, two similar Bills are again on the anvil, I mean the Public Safety Bill<sup>17</sup> and the Trades Disputes Bill.<sup>18</sup> In March 1919, the agitation began on the Rowlatt Bill and at an early stage of that agitation Mahatma Gandhi was arrested again and released on his personal recognisance. The thirteenth of April, 1919 was a Sunday, on which Jallianwala was perpetrated.<sup>19</sup> The sixth of April 1929 is also a Sunday, and God knows what is going to happen on that day. But before the Jallianwala day arrives, we have in March 1929, as the telegrams received only this morning show, an elaborate justification of the action of General Dyer. There is a book published in England, which is stated to have been written at the request of the family of General Dyer. But I am inclined to think that the request was not from the family in the ordinary sense in which we understand the word, but from the larger family of officialdom. Well, this book is issued by a journalist named Colvin in which he says—I will not read the whole press message, but only the two points which strike me as most important. He says:

“The Afghan War which followed the rebellion in the Punjab might have been a great disaster, but for Dyer’s action at Amritsar.”

The inference is first that there was a great rebellion in the Punjab—

<sup>16</sup> Secretary of State for India.

<sup>17</sup> “A Bill to check the dissemination in British India from other countries of certain forms of propaganda.”

—See pp. 401-29, *supra*.

<sup>18</sup> “A Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes.” Introduced in the Legislative Assembly on 11th February, 1929.

—See L.A.D., *op. cit.*, pp. 671-702.

<sup>19</sup> For details, see p. 3, *supra*.

we all know what it was; and secondly that there was an Afghan war, the speedy termination of which was due to the action of General Dyer at Jallianwala Bagh. To connect the brutal murder of unarmed men and children with the advance of an attacking or invading army, was left to this gentleman. I am surprised that he did not go a little further and connect the civil war now going on in Afghanistan with the Congress Resolution on non-co-operation. We find a very important fact in this message, and that is that General Dyer's explanation was gone over by Sir Malcolm Hailey<sup>20</sup> and that he found only one word to be objectionable and that was the word "rebels" in regard to the Punjab. This writer does not spare Sir Malcolm Hailey for suggesting the omission of the word "rebel". He reaches the climax when he claims that "General Dyer was a humane man; he knew and loved the Indian people; he was loved by them both before and after Jallianwala". We have since been celebrating the National Week which, as I have said before, begins on the 6th April, the day on which the Jallianwala atrocity was committed. And I am sure we are all celebrating it and shedding salt tears because General Dyer was dealt with unjustly, and not because of the brutal murder of the men, women and children who were on the spot! Sir, the National Week commences on the 6th of April. In 1920, the non-co-operation movement was started; in 1930, it is again announced to be started. Everything happens in regular cycles almost to a day, and it is quite apparent that there is some sort of fatality dogging this country, and also Great Britain. No lover of the country can contemplate light-heartedly the implications of the non-co-operation movement and in this connection I must not forget to notice the bit of kindly advice given to us by the Honourable Sir George Schuster<sup>21</sup> in his budget speech.<sup>22</sup> He has no doubt meant well in addressing his appeal to us. He says: "India till now has had one priceless possession in her credit with the outside world". I should like Sir George Schuster to have been a little more precise. I think it would have been more accurate if he had said "the credit of her masters" instead of "her credit". I do not know what credit we Indians enjoy in any part of the world, except that we are being governed or misgoverned by England. Sir George

<sup>20</sup> Home Member.

<sup>21</sup> Finance Member.

<sup>22</sup> Delivered on 28th February, 1928.

—For text of speech, see L.A.D., Vol. II (1928), pp. 1377-1407.



proceeds: "I believe, for such reasons as I have tried to make clear today, that the economic advancement of the country depends on the political freedom, both within and without. Fears of political disturbance cannot but shake it, and to do this is to endanger the structure on which the material welfare of the millions of this country depends. I pray that this vital consideration may not be forgotten."

As I have said, sir, it is an appeal which certainly is conceived in a kindly spirit, but let us examine and analyse it. What does it come to? Sir George Schuster is no doubt new to this country; but I am sure he knows the history of this country; I am sure he has carefully gone through the story of the British administration during the last 160 years and more. I am sure he knows what our political status is; and he must know that we have no rights and privileges. Our so-called rights are in the nature of favours which we can only enjoy during the pleasure of those who have granted those favours. They may be withdrawn and they have, as a matter of fact, been withdrawn on more occasions than one, with or without reason. A people reduced to these straits, do they care for their commercial credit in the world? And how can they have any credit? But whether that credit is shattered or they themselves are sent to rack and ruin, the people who are struggling for their freedom have to go ahead, march ahead, regardless of all consequences.

Now, sir, we shall, of course, be told that we are unreasonable, and that, if we launch a dangerous movement, knowing fully what it means, we shall have to abide by the consequences. We shall further be told that it is the first duty of the Government to govern and take all such measures as are necessary to govern. My answer is that, if we are driven to resort to non-co-operation, we shall be ready to take all the consequences. As for the duty of the Government to govern, I fully agree; but there is another duty which the governed owe to themselves, and that is to secure a just Government for themselves on principles which are recognised all over the world as just and to spare no sacrifice, no suffering, however great, to achieve that end.

## Indian Finance Bill

*Speaking on the motion\* for consideration of the Indian Finance Bill on 19th March, 1929.*

Mr. President, two sets of speeches have been made on the floor of this House in the course of the debate—one supporting the motion of the Honourable the Finance Member,<sup>1</sup> and the other opposing that motion. I may at once say that I belong to the latter category, and I most strongly oppose the motion that this Bill be taken into consideration. Sir, what is a matter of surprise to me is that both these sets of speeches condemn the financial policy of the Government and the Government itself in unmeasured terms, and yet we find that some speakers give the assurance that they are supporting the consideration of this Bill, while others make it equally plain that they are opposing it to the best of their ability. What is even more surprising is that both sets advance practically the same reasons and reach precisely the same conclusions, and yet they are unwilling to go into the same lobby. Ever since I heard the masterly exposition of the financial position made by my esteemed friend, the Honourable Sir Purshotamdas Thakurdas,<sup>2</sup> I have been wondering how he could possibly get up and say that he was supporting this motion. In fact, sir, there is not a single argument advanced by my Honourable friend which I do not endorse thoroughly, except, of course, the reasons for his supporting the Bill. I could almost sign the whole of his speech, if it were put before me in writing.

\* “That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to raise the import and excise duties on motor spirit, be taken into consideration.”

—L.A.D., Vol. II (1929), p. 2014.

<sup>1</sup> Sir George Schuster.

<sup>2</sup> Sir Purshotamdas Thakurdas said that the success of political reform depended on a sound economic system but the budgets of provincial Governments showed they were either deficit budgets or hand-to-mouth budgets. Excise duty on liquor formed one of the principal items of the provincial sources of revenue. Revenue from this source had trebled during the last twenty years.

—*Ibid.*, p. 2060.



Then there was a very scathing criticism of the financial position by my friend, Mr. Rangaswami Iyengar,<sup>3</sup> but he came to the opposite conclusion and declared that he was opposing the Bill.

*Mr. Kabeer-ud-Din Ahmed:* Take the course!

*Pandit Motilal Nehru:* That is for you who have no opinions of your own.

Then, sir, unwilling as I always am to differ from such an authority as my friend, Sir Purshotamdas Thakurdas, I have the satisfaction that I am differing from him not upon what is his strong point, but upon what is my strong point. The Honourable Mr. Birla has just said<sup>4</sup>—and I express my thanks to him and those of my fellow workers—he would rather leave the political interests of the country in the hands of the political leaders. In the same way, sir, I am perfectly willing to leave the financial interests of the country in the hands of the financial leaders. But my difficulty arises on another ground, and that is that I, who am a mere worker for the political freedom of my country, have no use for high finance, so long as my countrymen have no voice or hand in it, and so long as it is controlled by the alien bureaucracy. The one point which we emphasise by raising a debate of a constitutional nature on this Bill is precisely the same, as may be gathered from, and really is the net result and upshot of the speech of, Sir Purshotamdas Thakurdas.

What is our complaint and why do we take up this motion when we know that supplies we refuse will be restored?<sup>5</sup> We say that we are acting on the principle underlying refusal of supplies. That is perfectly right, but it is so in theory only, because really and truly

<sup>3</sup> Mr. Rangaswami Iyengar, opposing the Finance Bill, said that it was a formal motion in the Montford era, for even if the Bill was not passed, the salt duty would continue to be levied, the postal rates would be maintained and so on. This small mercy had been given to the Assembly to do duty for what in other countries, was a very real financial operation on the part of the legislature.

Considering the budget as a hand-to-mouth budget, Mr. Rangaswami Iyengar further said :

“That the provisions by means of which the Government appropriates so large a portion of the taxation of this country for debt redemption and avoidance of debt are certainly of a character which make any search for additional sources of taxation absolutely unnecessary.”

—*Ibid.*, p. 2055.

<sup>4</sup> For text of Mr. G. D. Birla's speech, *ibid.*, pp. 2000-06.

<sup>5</sup> Governor-General in Council was empowered to restore cuts under Section 67A of the Government of India Act.

we have not the power to refuse supplies. If we had the power, we would not hesitate in exercising it, but as things stand, we have not got that power. What then is the idea in moving refusal of supplies? The idea is simply this. We know that you can have your own autocratic will, we know that any cuts that we may make will be restored—and they have as a matter of fact been always restored—we know that if we reject this Bill it is bound to be certified. But what is the point we make by objecting to it? The one point that we make is this, that you are governing the country, not by our willing consent and co-operation, but against our deliberate and declared will. That is the point. We are not enabling you to govern us of our own free will. It is you who usurp our assets, our finances, our resources, and you use them in misgoverning us. That is the point.

Now, there never was a stronger reason for opposing this motion in this House than we have on the present occasion. Remember what we have done. We have carried every cut that was actually debated on the floor of this House. Amongst those there is one under the head "Executive Council"; and we have also totally rejected the Demand—or at least such part of the Demand as is votable—under the head "Army Department".<sup>6</sup> Well, on the analogy of free countries, this would amount to withholding supplies from the Executive Government, both for the civil and military administration of the country. Where would the Government be after that? Now my friend, Sir Purshotamdas Thakurdas, argued yesterday that when we did that, when we refused supplies to the Executive, we had done our part of the business. It is not necessary to repeat our protest. Now sir, as a matter of fact, we do repeat it year after year, and my learned and Honourable friend does take part in that repetition. Must there always be a year's interval between one motion and another of this kind? But leaving that alone I say that what we have done is not only not enough, but on the present occasion if you do not go further and do not throw out this Bill, you will be undoing what you have done. In fact what you have done has already been undone by the Government. They have restored the grant,<sup>7</sup> and what does the adoption of this motion

<sup>6</sup> See pp. 319-25, *supra*.

<sup>7</sup> Regarding the restoration of cuts by the Governor-General in Council Sir George Schuster made the following announcement in the House on 18th March, 1929 :

*Contd.*



mean after the Government have restored the grant? It means submission to the action of the Government. You say, "We have done our part of the business, we don't submit. You can do what you like." What else but submission does it mean, if, after refusing a certain grant and the Government over your head restoring that grant you pass the Finance Bill? Leave aside all consideration of financial and political wisdom, is it manly for this House which, by a majority, has rejected the grant, to acquiesce when the very next day it is restored in spite of the House? Is it consistent with the self-respect and the dignity of those who voted for the cutting down of the Demand, to sit quietly and support the Bill? I submit it is wholly inconsistent; it is stultifying ourselves if we do that. What is our position? Our position is that, as far as it lies in our power, we shall not by any act of ours, signify our assent to the continuance of this system of Government. If that is so, are we or are we not signifying our assent to this system of Government if, after putting our foot down on the Demands for Grants for the Executive Council and the Army administration, the wherewithal for the administration and the Army is, by our consent, to be raised by taxation provided for by the Finance Bill? Some of us say on considerations of high financial policy that they are not opposing the motion. Now, sir, it seems to me that there is really no difference between those who are supporting and those who are opposing this motion. Perhaps, a little difference of mentality. There are those who, like myself, have devoted themselves to work for the freedom of the country, and to achieve it at all costs. It does not really matter to them what happens if that freedom is not attained. Let it be the deluge, so far as I am concerned, I do not care. But there are those who are not inclined to go as far as that, and they have to take stock of their surroundings, and perhaps of their bank balances, and they put themselves the question: "Well, how

"In exercise of his powers under Section 67A (7) of the Government of India Act, the Governor-General in Council has decided to restore the two big cuts that is to say, Rs. 65,999 under Executive Council, and Rs. 5,35,800 under Army Department, that is, an addition of Rs. 65,999 to the provision of one rupee which was voted by the Assembly which will restore the grant of the Executive Council to the original figure of Rs. 66,000. As regards the Army Department, two cuts of Rs. 100 each are allowed, so that the figure is reduced by Rs. 200 from that originally moved by me."

—L.A.D., *op. cit.*, p. 2044.

is the Government to be carried on? Good, bad or indifferent as it is, it has got to go on, and therefore we must enable it to go on." My answer is that, if it is not fit to go on, it had better stop and come to a dead stop now and here. Now, the second reason that was advanced by my Honourable friend, Sir Purshotamdas Thakurdas, was that we were not merely taxing British India, but that we were taxing the whole continent of India. Now, that is a proposition which I cannot follow. If he means that the customs duties are levied on goods which are meant for the whole of India, not only for British India, surely it is not taxing any part out of British India.

*Sir Purshotamdas Thakurdas:* Post Office more than Customs.

*Pandit Motilal Nehru:* If it is Post Office, it is not taxing any part out of British India where British post offices are maintained. It might as well be said that a common carrier, that a taxi-driver who drives through the Indian States, carries passengers for them and gets his fares and freights, is taxing the Indian State. That is not a tax. They are rendering service, and they are paid for their services; payment for services is not a tax. If you take Customs, of course, any country which chooses to import goods, or rather to bring goods into British India whether it is an Indian State, or France, or Germany, or Russia or any other country, that country has to pay our customs duties. That is not taxing that country. It has no voice in our taxation. I cannot understand, I cannot follow the idea of this House, or this Government, being in a position to tax anybody outside British India. They may, by agreement and mutual arrangement have post office and railways, and motor services and aeroplanes, and all the rest of them, but that does not come in the category of taxation.

Then, my Honourable friend said that finance was the bedrock of political life. I thoroughly agree with him. Not only political reform, but everything in the world depends upon finance. Finance is the bedrock of anything that you take in hand. But, I suspect that what my Honourable friend means is not the general proposition in which I agree, and the very use of the words political reform puts me on my guard at once. Yes, for any reform of the existing political system if you simply want reform of some kind or other, of course financial reform is part of it. But when it is a question of freedom you have got to get your freedom and nothing less—then, I submit that no considerations of financial reform can come



in the way of attaining freedom. They will all follow of course. It will be indeed the very first consideration for a free India, as I hope it will be in course of time, to attend to her economic conditions, to attend to her finance. What I object to is that the finance of my country is to be controlled and administered without my consent. I have no voice, no hand in it, and whatever little liberty I am allowed to take with it, I am at once deprived of it the moment I begin to exercise it. Indeed, what my Honourable friend said about finance being the bedrock of political reform was really to support the argument of the Honourable the Finance Member and the appeal he made to us in the concluding portion of his speech. I have answered that appeal partly the other day on the floor of this House, and I do not want to repeat myself. But on the general question of the financial prosperity of India, I should like to refer the House to a recent book by Dr. Sunderland, who was the President of the India Information Bureau for America, Editor of *Young India*, Special Commissioner and Lecturer on India, Author of *India, America and World Brotherhood*, and so on. After an extensive tour of India and a prolonged stay and a careful study of the conditions, he says:

“Who owns the steamship line by which we came to India? The British. Who built that splendid railway station in Bombay? The British. Who built the railway on which we travelled to Calcutta? The British. To whom do these palatial buildings in Calcutta belong? Mainly to the British. We find that both Calcutta and Bombay have a large commerce. To whom does the overwhelming bulk of this commerce belong? To the British. We find that the Indian Government, that is the British Government in India, has directly or indirectly built some 40,000 miles of railway in India; has created good postal and telegraph-systems, reaching practically throughout the country; has founded law courts after the English pattern and has done much else to bring India in line with the civilisation of Europe. It is not strange that visitors begin to exclaim: ‘How much the British are doing for India!’ ‘How great a benefit to the people of India British rule is!’

“But have we seen all? Is there no other side? Have we probed to the underlying facts, the foundations upon which all this material acquisition is based? Are these signs of prosperity which

we have noticed, signs of the prosperity of the Indian people or only of their English masters? ”

Then, he goes on in that strain. I need not trouble the House with any more quotations, the one I have already read gives a fair idea. There are some other very valuable passages in this and there are extracts from the sayings of great men.

*Sir Darcy Lindsay*: Why not read the whole book?

*Pandit Motilal Nehru*: Is it so very distasteful to you?

*Sir Darcy Lindsay*: No, it is very interesting.

*Pandit Motilal Nehru*: I commend this book to the serious and earnest attention and study of Sir Darcy Lindsay. It will remove misconceptions that the Honourable Member has about this country in spite of his long stay and familiarity with the conditions.

Now, what is the cause of the pitiable conditions which have been described, both by my friend Sir Purshotamdas Thakurdas and the Honourable Mr. Birla.<sup>8</sup> Why are we so low? This is answered in the words of John Bright who says:

“If a country be found possessing a most fertile soil and capable of bearing every variety of production, yet notwithstanding, the people are in a state of extreme destitution and suffering, the chances are there is some fundamental error in the government of that country.”

Then there is another general pronouncement of the same kind coming from a very high American source, viz. Abraham Lincoln, which is reproduced here. It answers the argument which, day after day, we hear in this House and outside. Abraham Lincoln said:

“No man is good enough to rule another man, and no nation is

<sup>8</sup> Mr. G.D. Birla said that India was suffering, not from the world depression, but from an internal depression, caused by the poverty of the agriculturists. India's masses wore only 10 yards of cloth per head as compared with 18 yards in pre-war days.

He further pointed out that the capital of joint stock companies in India had remained stationary compared with 1924-25 and 1927-28. This could not be due to the world depression as the joint stock capital of England had risen during the same period.

—*Ibid*, pp. 2101, 2102.



good enough to rule another nation. For a man to rule himself is liberty; for a nation to rule itself is liberty; but for either to rule another is tyranny. If a nation robs another of its freedom, it does not deserve freedom for itself . . . and under a just God it will not long retain it."

Again,

"In all ages of the world, tyrants have justified themselves in conquering and enslaving peoples by declaring that they were doing it for their benefit".

Just the theory of trusteeship.

"Turn it whatever way you will, whether it comes from the mouth of a king, or from the mouth of men of one race as a reason for their enslaving the men of some other race, it is the same old serpent. They all say that they bestride the necks of the people, not because they want to do this, but because the people are so much better off for being ridden. You work and I eat. You toil and I will enjoy the fruit of your toil. The argument is the same and the bondage is the same.

"Any people anywhere, being inclined and having the power, have the right to rise up and shake off an existing government which they deem unjust and tyrannical, and form a new one that suits them better. This is a most valuable, a most sacred right, a right which we hope and believe is to liberate the world."

Now, sir, talking of this prosperity, what are the most obvious instances that stare us in the face? We have had 70 years of railways in this country; yet, is there a single industry or a factory which produces today the railway material necessary, the material that we require? It is an accepted fact that, in other countries where railways have been introduced, within 15 or 20 years industries have sprung up and factories have been built up, which have made that country almost self-contained in respect of all the requirements of the railways. And yet what happens to us here? After all these 70 years, there was some attempt made. The House will remember

that about two years ago I raised a debate on the wagon question.<sup>9</sup> Without going into details, I may just mention the salient facts. First of all, a company, an Indian company, was started for the manufacture of locomotives under some sort of a guarantee from the Government that they would take up a proportion of the locomotives produced by them. Well, soon after, the Government found that there was a surplusage of locomotives in the country and that, therefore, they were not needed any more. But, sir, within two years, it was discovered that there really was a shortage of locomotives and not a surplus and orders were at once placed in Europe and elsewhere. Then what was to happen to this locomotive industry? Well, it was converted into a wagon factory; and promises were made by the Government for the purchase of a considerable quantity at stated intervals. History repeated itself, and what happened was that it was again discovered that there was a very great surplusage of wagons in the country. The company was told, with great regret, that no more wagons were wanted, because there were too many. Now, sir, the last phase of it is the very significant observation of the Honourable Member for Commerce, in his speech the other day, in which he has foreshadowed again a repetition of this history.<sup>10</sup> What he has said was that there was a shortage of wagons. Now, we are all prepared to hear one of these days—not perhaps in this session or even the next, but sometime or other I am sure—that wagons have to be ordered from Europe. Meanwhile this company has ceased to exist, perhaps after being given some compensation. That is the one thing on which great insistence has been placed—the railway prosperity of the country.

Now, sir, I find in the recent Press messages, a message stating—although it is not included in this Budget, or perhaps it is just going to be—that the expenditure on the Butler Committee<sup>11</sup> of £16,000

<sup>9</sup> For details, *see* pp. 303-12, *supra*.

<sup>10</sup> Refers to Sir George Rainy's remarks which he made in the course of his speech on Pandit Motilal Nehru's motion suggesting cuts under the head "Executive Council" on 12th March, 1929.

<sup>11</sup> Butler Committee was appointed in December 1927

(1) to report upon the relationship between the Paramount Power and the Indian States with particular reference to the rights and obligations arising from—

(a) treaties and engagements,

(b) usage, sufferance and other causes, and



will have to be paid by British India. Why should it be paid by British India? British India never asked for a Butler Committee; it is the Princes who asked for it. Why has British India to pay? Is it the price of segregating British India from the native India, as there are more than enough signs to show?

We have been talking of the reduction of our huge Army Estimates. Of course, this cannot be done with safety to India; but look at the Home Estimates. We find that there is no less than £4,000,000 reduction in the Army expenditure during the last five years, as stated in the House of Commons and £50,000 on the Air Estimates alone. The purpose of the Army in India is, of course, not only to defend India from foreign external invasion, but to keep the Indian people under subjection for ever. In fact, my Honourable and gallant friend, Colonel Crawford,<sup>12</sup> intimated the other day, on the floor of this House, that it would be perhaps necessary to increase the Army if the non-co-operation movement was started. The difficulty is this: that while, on the one hand you are depriving the people of India of their elementary and just rights, on the other, in the other parts of the world, you are behaving in a manner which is the least likely to inspire respect for you. What have you done recently? The House will remember that Russian oil was denounced as stolen property because, forsooth, the Russian people had had to expel the bourgeois and capitalists from other countries who held shares in those concerns. Therefore, it was described as stolen property. Now for a time they stood against it. They thought that they would put down the Russian trade or bring Russia to her knees, so that she would make over possession or make her products easy of reach to the other nations of the world. But what has happened? Only two or three days ago I read in the papers that all that righteous indignation about stolen property has been swallowed, and a three years' agreement has just been arrived at by an Anglo-American Oil Combine and Russian Oil Products. What does that agreement provide? Equal treatment, equal markets for Soviet kerosene and other oil companies' products. In short they admit Soviet Russia

- (2) to inquire into the financial and economic relations between British India and other States, and to make any recommendation that the Committee may consider desirable or necessary for this more satisfactory adjustment.

<sup>12</sup> For text of Col. J. D. Crawford's speech, *ibid.*, pp. 1923-30.

upon equal terms in their own market. And yet we have to have a Safety Bill<sup>13</sup> put before us. It is the dread of the Soviet and its agents, we are told, and therefore a new chapter of repression has to be opened in the history of this country.

I shall not dilate at any length or at all upon the repression, which is a very old story, or upon the recent repression which has begun, the various arrests that have been made in different parts of the country, and the deliberate and open hostility to the Youth Movement that has been shown. I will also not dwell upon the latest toys which have been held out to us, namely, the Royal Commission on Labour<sup>14</sup> or the Banking Inquiry,<sup>15</sup> which my Honourable friend the Finance Member is instituting. These are toys. They are very good to look at and perhaps to play with for a time, but they are not going to bring us any relief or bring us our freedom. The great objection and the great complaint is, what can the British Government do? What will happen if they go away tomorrow? We are not fit to look after our own affairs. Now, sir, in that connection I wish to read to the House an extract from an address delivered by President Masaryk of the Czechoslovak Republic. He tells us exactly what has happened there in the first ten years of the independence of the country. Remember, please, that it is a very small country, with a population of a little over 12 million, which would be a little less than one-third of the United Provinces. Let us see what their condition was before they came by their liberty and what they were ten years after that date.

*Mr. Kabeer-ud-Din Ahmed:* Were there any Hindus and Muham-madans there?

*Pandit Motilal Nehru:* Well, there were worse people than that.

<sup>13</sup> For details, see pp. 401-29, *supra*.

<sup>14</sup> The Royal Commission on Labour, which was appointed under the Chairmanship of Mr. J. H. Whitley, was charged to "enquire into and report on the existing conditions of labour in industrial undertakings and plantations in British India, on the health, efficiency and standard of living of the workers, and on the relations between employers and employees and to make recommendations".

<sup>15</sup> The Banking Enquiry Commission was charged "to investigate past records and existing conditions of banking in India including the organisation of the Money Market and to consider the steps, if any, that are feasible and desirable under . . .

(a) the development of Banking,  
(b) the regulation of Banking,  
(c) Banking education, etc."



“It is ten years ago”

—this is what he says:

“It is ten years ago since the emancipated nation took into its hands the administration of its own affairs; it is ten years ago since the conclusion of a struggle that lasted not for four years but for centuries, a struggle against foreign rule, misrule and more democratic world order.”

Then:

“We began with empty hands, without an army, without constitutional traditions, with a rapidly falling currency, in the midst of economic chaos and the universal decline of discipline, with the heritage of Dualism, with irredentism within our frontiers, and in the midst of States shaken by upheavals from the Right and from the Left; handicapped by small resources, unaccustomed to govern, little inclined to obey, and almost unknown to the world.”

I may pause here to observe that we are far better off in regard to these things. We are not handicapped by small resources or unaccustomed to govern or little inclined to obey, or unknown to the world. The address proceeds:

“And yet we have stood the test and acquitted ourselves, with honour. We gave the restored State a constitution, we organised the administration and the army; we faced the economic depression, the nationalist struggle, and the international conflicts. Our tasks were heavier than we admitted to ourselves; and yet we have built up a State which enjoys the confidence of foreign countries and—what is still more important—of ourselves, of us all.”

This, sir, is what can be done within ten years in a country where there was previously chaos, where they were wholly unaccustomed to govern, where their resources were small, and where there were internal quarrels. But here may I again give a last quotation from

the book *India in Bondage* as a contrast? In Lord Curzon's words—I quote from this book because they are all collected here—Lord Curzon said in 1901:

“Powerful Empires existed and flourished here (in India) while Englishmen were still wandering painted in the woods, and while the British Colonies were still a wilderness and a jungle. India has left a deeper mark upon the history, the philosophy, and the religion of mankind, than any other terrestrial unit in the universe.”

Then the author of this book proceeds:

“It is such a land that England has conquered and is ruling as a dependency. It is such a people that she is holding without giving them any voice whatever in their own destiny. The honoured Canadian Premier, Sir Wilfrid Laurier, at the Colonial Conference held in London in connection with the coronation of King Edward declared: ‘The Empire of Rome was composed of slave states; the British Empire is a galaxy of Free Nations.’ But is great India a free nation? In a speech made in the League of Nations in Geneva, in September, 1927 . . .”

at which by the way I happened to be present

“ . . . Sir Austin Chamberlain<sup>16</sup> described the British Empire as ‘a great Commonwealth of Free and Equal Peoples’. Why do these statesmen use such language when they know how contrary to the facts it is? India, which constitutes more than four-fifths of the Empire, is not free; it is in bondage. Its people are not allowed ‘equality’ with the free minority, the free one-fifth, but are ruled without their consent. Thus we see that, in truth, the British Empire is to a four or five times larger extent a ‘Slave Empire’ than it is a ‘Galaxy of Free Nations’ or a ‘Great Commonwealth of Free and Equal Peoples’.”

and so on.

Now, sir, I will not detain the House at any length but I will just

<sup>16</sup> Secretary of State for India, 1915-17.



say one word about the Congress Resolution. We all know what that Resolution is. It has been described as an ultimatum. Well, in one sense, you may call it an ultimatum, but it is really an invitation to you to make up your minds within the time given in the Resolution. If you make up your mind within that time to fulfil your oft-repeated promise to put India on her own legs, well, the Resolution says that we shall accept full responsible government within that time. But if you show no inclination, and on the contrary events intervene which show that you will not, either at the end of the year, or at any time, be ready to accord full responsible government to India, the Resolution says, we shall try to follow our own programme. We are willing to keep up the British connection only on honourable terms and those honourable terms are stated in the Resolution as being the same as dominion status. That is the very least. If you are not going to grant this, at least make up your minds and have the courage to say "No"! Promises unaccompanied by action will not satisfy anybody; and so long as the matter remains within the range of promise, I say that it is the duty of every Indian Member of this House—at least every elected Indian Member of the House—not to signify his assent in any way by supporting any financial measure of the Government, and least of all the Finance Bill. You may continue your present system as long as you think you can, but you cannot continue it for ever. Nemesis may be slow, but it is always sure.

[The motion was adopted]

## Powers of the President

*Speaking on the motion\* whether discussions on a Bill which is identical to a case which is sub judice, may be allowed or not, on 5th April, 1929.*

Sir, at the outset I desire to thank you for the opportunity you have given to this House to discuss the two points which you have just mentioned.<sup>1</sup>

It is clear that you are under no obligation to hear any Member of the House on any of those two points, and that it is for you, sir, to give your ruling independently of what the Members might think either on this side or the other. I take it, therefore, that it is a special concession which you have shown to the House, and we are very grateful to you for that.

Now, sir, the two questions that you have mentioned are very serious and important questions. The Government attach very great importance to the second question, namely, your powers, and I shall, therefore, with your permission, first deal with it and then deal with the first question.

Sir, it is stated, on behalf of the Government that the Government have an absolute discretion in the matter of putting forward such legislation and at such time as they think proper. There cannot be the slightest doubt as to the correctness of that proposition. But, sir, that proposition depends upon a variety of other considerations

\* After the Honourable Law Member had moved the consideration of the Public Safety Bill, as reported by the Select Committee, on 2nd April 1929, the President said that since the Bill in question contained the identical provisions to the Meerut Conspiracy case, and under standing Orders, Members were not allowed any reference to a matter which was *sub judice*, it was for consideration whether the discussions on the Public Safety Bill be allowed or postponed till the Conspiracy case was disposed of.

<sup>1</sup> There were two points on which the President wanted the Members to express their views :

“First, whether it is possible to have a real and reasonable debate on the motion that has been made by the Law Member in connection with the Public Safety Bill, in view of the pending prosecution at Meerut. And the second point is the power of the Chair to intervene at this stage.”

—*Ibid.*, p. 2855.



which you have to consider, because every measure and every motion whether it relates to a Bill or a Resolution, which comes up before the House, is subject to a certain procedure, and that procedure, sir, is subject to the controlling authority of the Chair. Now, in this particular case, while conceding the general right of the Government to bring forward any piece of legislation they desire, and at any time they desire, I submit that such discretion of the Government must be subject to the rules and the Standing Orders and of the principles underlying those rules and Standing Orders.

Now, I wish to draw your attention to the relevant Standing Orders on the subject. The first Standing Order that I would refer to is No. 30. I am taking the various stages which must be gone through when any motion is before the House. Standing Order 30 lays down a general rule that:

“A matter requiring the decision of the Assembly shall be brought forward by means of a question put by the President on a motion proposed by a Member.”

So that, whether it is a Bill or any other motion, it has to be brought forward by means of a question put by the President on a motion proposed by a Member. That is the first step. What is the second step? The second step is to be found in Standing Order No. 32:

“After the Member who moves has spoken, other Members may speak to the motion in such order as the President may call upon them. If any Member who is so called upon does not speak, he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate.”

So that, after the Member who moves has spoken, there is the right in the House, there is a right in every Member of the House, to speak, of course, in such order as you call upon him, except where that right has been waived by any particular Member by not rising to speak when you called upon him.

Now, the third step is what is to be done or how the debate is to be regulated. For this we have Standing Order 29. There is, of course, the liberty of speech, but subject to the restrictions mentioned in Standing Order 29, which, among other matters, lays down that:

“No speech shall refer to any matter of fact on which a judicial decision is pending.”

We are only concerned with this, and I am not referring to other restrictions. So that, so far we have the right of Members, whom you are pleased to call upon to speak, to speak generally, with this exception that they cannot refer to any matters of fact on which a judicial decision is pending.

The next Standing Order to which I would call your attention is No. 34 which relates to closure. The debate under the preceding Standing Orders has proceeded to a certain stage where the closure may be moved and, therefore, the Standing Order says:

“At any time after a motion has been made, any Member may move ‘That the question be now put’, and unless it appears to the President that the motion is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the motion ‘That the question be now put’.”

Now, sir, that at once gives the whole principle upon which the procedure of the debate in this House is to be based. You, sir, are the sole judge as to whether there has been a reasonable debate upon a motion, and if a motion to put the question has been made and you are of opinion that it is being made in abuse of these rules or the Standing Orders, or is an infringement of the right of reasonable debate, you are at liberty to disallow it. In fact, it is your duty to disallow it.<sup>2</sup>

*The Honourable Mr. J. Crerar:* Put the question.

<sup>2</sup> Redlich, in his book *Procedure of the House of Commons* says that it is the Speaker who exerts a direct influence upon the course and extent of legislative action.

“But the most important function discharged by him (*that is, the Speaker*), that which gives him his chief political influence, is that of being the sole and final judge of whether any motion or amendment is in order or not. By virtue of the traditional and incomparable authority which is conceded to him, by all parties in the House, an immense power is thus placed in his hands and, under certain circumstances, he may exert a direct influence upon the extent of legislative action.”

—Vol. II, p. 142.



*Pandit Motilal Nehru:* Yes, the closure; and the debate will proceed and proceed upon the same lines which I have already indicated, subject, of course, to the restrictions mentioned in Standing Order 29. Then, sir, sub-clause (2) of Standing Order No. 34 specifically refers to the Government Member who moves a Bill. It shows that he is no exception to the rule, and is, on the contrary, subject to your controlling authority in this matter as much as any other member. It says:

“At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, that Member may request the President to put the question, and unless, it appears to the President that the request is an abuse of the rules or these Standing Orders, or an infringement of the right of a reasonable debate, the President shall then put ‘the question’.”

I will take an extreme case. It will not do for my Honourable friend, the Home Member, to rise and say, “I move the Bill”, and at the next moment to ask you to put the question. That would certainly be an infringement, not only of the right of reasonable debate, but also of the proprieties of the House.

Now, we come to sub-clause 3 and that gives you one instance in which the motion may proceed to be voted upon without being debated, when you in the exercise of your discretion, think that the matter has been reasonably debated, and agree to put the question. In that case the question shall be put without any amendment or debate. Sir, my point in referring to these Standing Orders is that they clearly show what are the matters which must be subject to a reasonable debate; what are the matters which do not admit of any debate and must be put at once after the motion is made. They also show that in the conduct of the proceedings and of the debate, there shall be no abuse of the Standing Orders, and there shall be no infringement of the right of reasonable debate. Now, there is another instance of a motion being put to vote without much debate, and that is in Standing Order 37:

“If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member

who opposes the motion, may, without further debate put the question."

That is the restriction. Besides these provisions, we are all familiar with the procedure when the guillotine is applied to a debate on Demands for Grants. Now, those are the specific instances in which the rules expressly exclude the right of any debate whatever, whether reasonable or not. Barring those cases, I submit that the right of reasonable debate is a right which is a fundamental right of this House. It is a right which must in the very nature of things, belong to a deliberative body which is asked to give its opinion, after a full and due consideration of the question put before it. If it were otherwise, of course there is no reason why we should all be here. Now, sir, my contention is that, if there is a motion which is an abuse of the rules and the Standing Orders to such an extent that you cannot move it and adduce arguments in its favour and arguments against it, without impinging upon some rule or other—and we will only take here the relevant rule, namely the rule that matters *sub judice* should not be brought into the debate—suppose such a case does arise what is to happen? I am asking you to take an extreme case, which is the only true test, *viz.*, a case where admittedly a Bill comprises only such matters as are the subject of a pending case awaiting judicial trial. I will show later that the Safety Bill<sup>3</sup> is neither more nor less than such a measure. The general right of the Government to bring in any piece of legislation before this House and at any time being accepted, I ask whether it will be possible, in the case I am assuming, where every provision of the Bill, every clause of the Bill is either the same as the allegation of some plaint or complaint, or directly or indirectly involves the question which is raised at the trial, whether that Bill can be subjected to any debate whatever. I am simply assuming it for the present, but will show later that the case before us is on all fours with the case I am assuming. If there can be a measure where you cannot say anything, either in support of or against it, without infringing the rule regarding matters *sub judice*, how can it be said that any reasonable debate can be held in this House? I submit, sir, that a Bill like that would itself be vitiated by reason of being in itself an infringement of the right of reasonable debate, but I may

<sup>3</sup> For details, see pp. 401-29, *supra*.



add also, of the proprieties of the House. Well, that being the case, it only remains for me now to show that the present is a case where no reasonable debate can be held without referring to matters *sub judice*. And if I succeed in showing that, I submit that I shall have made out my case that this is a measure which is affected by the very disability which is attached to the speeches of the speakers and is vitiated thereby.

Now, sir, I have carefully gone into the provisions of the Bill and the very learned speech made by the Honourable the Home Member, as also the complaint against the accused persons which he was good enough to lay before this House. I find that it is impossible, in discussing the one, to get away from the other. What the Honourable the Home Member says in his statement which he made yesterday is this:

“For this purpose”—

that is to say the debate,

“they do not require to refer to any detailed allegations which will be for the adjudication of the Court, and they are of opinion that nothing need be said which would prejudice a matter which is before the Court.”

Now, sir, what is the matter before the Court? The description by the Honourable the Home Member of that matter is this:

“Whether the thirty-one accused persons, or any of them, have entered into a conspiracy to deprive the King-Emperor of the sovereignty of British India.”

That is the charge, I admit, and therefore, to this extent, it is a matter before the Court because the Court has to determine whether the charge is true or not. But this, like all other charges made against accused persons, is practically an inference from the facts upon which it is based. In order to find out what are the matters of fact, not matters of law and inference, which are awaiting determination by the court, you have to see, not merely the relief sought, *viz.*, that a man should be convicted, or that certain property should

be awarded to the plaintiff, but the facts upon which the relief is based, and which will have to be proved in the course of the trial by one side, and disproved by the other side. If you look at the complaint, you will find that all the facts and the circumstances mentioned in the first five paragraphs thereof are statements which have been repeated almost exactly in the same words in this House by the Honourable the Home Member. What do they come to? They come to this. "That there is an organisation in Russia which aims, by armed revolution, to overthrow all the existing forms of Government." That is number one. The next is that this organisation, which is called the Communist International, "carries on its work and propaganda through various committees, branches and organisations"—named here in the complaint—which include "a sub-committee concerned with Eastern and Colonial affairs, the Communist Party of Great Britain, which is a section of the Communist International—the Red International Labour Union, the Pan-Pacific Trade Union Secretariat, the League against Imperialism, etc." These are all channels through various parts of the world. That is allegation number two in the complaint.

Then, paragraph 3 goes into the ultimate objects of this propaganda, which is said to be carried on through these various committees and sub-committees. The objects are: "The incitement of antagonism between capital and labour, the creation of Workers' and Peasants' Parties, etc., the introduction of nuclei of such communists, with illegal objects as aforesaid, into existing trade unions, etc., the encouragement of strikes, hartals and agitation, propaganda by speeches, literature, etc., and the utilisation and encouragement of any movements hostile to the Government." This is number three.

Now, sir, you will be pleased to observe that there is not a word said here up to this about the accused. It was found necessary, in order to introduce the part taken by the accused in this matter, to state the very foundation of the movement, that is, that an organisation exists in Russia, that it carries on its propaganda by various means and through various committees, and that its objects are so on and so forth. Now, we come to the first mention of the names of the accused:

"That in the year 1921, the said Communist International



determined to establish a branch organisation in British India, and the accused Sripad Amrit Dange, Shaukat Usmani and Muzaffar Ahmed entered into a conspiracy with certain other persons to establish such branch organisations with a view to deprive the King-Emperor of his sovereignty of British India.”

Mind you, a conspiracy, not to deprive His Majesty of the sovereignty of India directly, but as a result and consequence of all these activities from Moscow to India. The first premise here is that these societies exist and carry on their propaganda in a particular way, and that they have a particular object, *viz.*, the overthrow of all Governments. The second premise is that certain accused persons entered into a conspiracy to establish branch organisations for the purpose of carrying out that object. The conclusion is that, by doing so, they have conspired to deprive the King-Emperor of his sovereignty of British India. So that the depriving of the King-Emperor of his sovereignty of India is not an independent fact, but follows from other facts which have to be proved both for the purpose of the Bill and that of the prosecution. You cannot prove a man's mind except by proving the acts he has actually done. The common foundation you have to prove is the various things contained in paragraphs 1 to 3.

Then comes paragraph 5:

“That, thereafter, the various persons including the accused were sent to India by the Communist International through the medium of one of its branches or organisations with the object of furthering the aims of the Communist International.”

Now, sir, it is not for me to go into the merits of this complaint, but it is evident that mere “aims” cannot be criminal. The allegation here is that the furthering of the aims of the Communist International was taken up by certain persons, who came from outside India and established branches in India.

Then we come to paragraph 6, and there it is stated as an inference from what has gone before, that these accused who live in different centres of British India have conspired with each other to deprive the King-Emperor of his sovereignty of British India.

The 7th paragraph is that the accused have met and conspired

together in various places, and in pursuance of such conspiracy as aforesaid the accused formed the Workers' and Peasants' Party at Meerut and there held a conference, and therefore it is prayed that these accused persons may be punished under section 121A. The facts that are mentioned here are precisely the same as have been relied upon to justify the Bill, as I shall now proceed to show by reading the speech of the Honourable Member. I shall read just a few passages so as not to detain the House at any great length. This is what he said:

"I propose now to summarise very briefly the most important facts relating to this movement which directly concern India. In 1919, the Communist Party of Russia established in Moscow an organisation known as the Third Communist International whose aim was defined as the promotion of revolution throughout the world for the purpose of setting up an International Communist Republic."

This is the first paragraph of the complaint.

"A thesis published by this body in 1920 expressly contemplated the direction of activities towards India and the East. . . They were actively resumed in 1925 and 1926 when a communist emissary, calling himself Allison or Campbell, started the formation of Workers' and Peasants' Parties in India in pursuance of the programme. He was followed by two others who took up the task and have since been zealously pursuing it with an increasing band of associates, including persons convicted in the conspiracy case already referred to, to the great injury of the country and in particular to the great injury of its industrial population."

Then, sir, he goes on and says:

"These movements have excited a lively and active interest recently in two foreign organisations which are communist in aim and inspiration—the Pan-Pacific Trade Union Secretariat and the League against Imperialism."

These are also mentioned in the complaint, and it is stated that



branches of these are established in India. Now, sir, when the motion to refer the Bill to a Select Committee was being discussed, I took the opportunity to state my own personal experience in regard to the League against Imperialism,<sup>4</sup> and it would appear from what I said and from what other Honourable Members said, that it was not a fact, as alleged against the League against Imperialism that it was a communist body. Similar facts alleged against some of the other associations mentioned by the Honourable Member were not admitted in this House, nor were likely to be admitted at the trial. Both are the subject of discussion and the subject of proof. Then the Honourable Member goes on to say:

“Among the various sources from which they have come may be mentioned the Red International Labour Union, the Profintern, another communist body, the Central Council of Trade Unions of Moscow and the Communist Party of London. Without these powers or precautions against the alien movements, the Bill would be defective in an important particular.”

Now, sir, if you look at the Bill, what is its foundation? The foundation of the Bill is in the Preamble, which runs as follows:

“Whereas it is expedient, in the interests of public safety, to check the dissemination in British India from other countries of certain forms of propaganda. . .”

That is the starting point. It has been taken exception to in this House and will again be taken exception to in the course of the debate on the consideration of the Bill, after receipt of the Select Committee's Report.

There are, if I may say so, two pivots upon which the whole Bill turns: the first is the Preamble, which I have just read, and the other is the definition of the person to whom this Act applies. These are the real sheet anchors of this Bill. If you take out those clauses, nothing remains of the Bill, because the other clauses merely say what will happen if a person, to whom the Act applies, does certain things or does not do certain things. But our quarrel is as to who

<sup>4</sup> For details, see footnote 8, XXXIV, *supra*.

should or should not be a person to whom the Act applies. Sub-clause 3(c) says:

“ ‘person to whom this Act applies’ means any person who is a member of, or is acting in association with, any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity etc. etc.”

The position, therefore, is this. In order to prove a person guilty and otherwise liable under this Act, all that has to be shown is that he is a person to whom the Act applies, *viz.*, a person who is acting in association with any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity, etc. That is the whole kernel of the Bill. The rest are all provisions to carry out the intention of Government as to how such a person is to be dealt with. But what we seriously object to is that there should be any person to whom this Act should apply; and if there is no person to whom the Act can apply, the Act is useless. That, sir, is the way in which we oppose this legislation. We say that, in the first instance, it is not true that a case has arisen when it should be expedient, in the interests of public safety, to check the dissemination in India and other countries of such doctrines, and in the second place, we say that it is not true that a man who is a member of any of these organisations, or is acting in association with any of these societies, should be a person to whom this Act is to apply. These are, sir, the very facts—the two most important facts which have got to be established in the Meerut case; and that being so, I submit that no reasonable debate can be held in this House on the most important questions involved in the Bill because they are similarly involved in the prosecution which is pending.

The Honourable the Home Member has been pleased to assure us, and you, sir, that the Government will give every assistance to the President in ensuring that, on their part, the rule which prohibits reference to matters of fact, on which a judicial decision is pending, is not violated. Now, sir, it is easy enough for the Honourable the Home Member to give such an assurance in a thin House like this, as he is confident of his voting strength and expects the House to pass the Bill without saying anything necessary to



justify it. It is we who have got to oppose the Bill, who have got to go into the very genesis of the Bill and to expose the motives which lie behind the Bill, and in doing so, I submit we must necessarily go into matters which are the subject of inquiry. I, therefore, submit that there can be no doubt that this motion itself is open to the objection to which every speech, if made in support of it, or at least against it, would be open.

Sir, the general principle, as I have submitted, is to secure to this House a right of reasonable debate. You are the guardian of that right, and it is for you to see that that right is not taken away from any Member of this House. In a case like this, I submit, it is being taken away not only from one or two Members of this House, but from the whole Opposition. We cannot, I declare, proceed to our satisfaction; we cannot do justice to ourselves and to this Bill, unless we attack the very genesis of it, unless we attack these two central and cardinal points which I have mentioned, namely, the Preamble and clause (c) of the definition of the person to whom the Act applies, without, at the same time, going into matters which are the subject of trial in the Meerut Court, and that being so, I submit that the decision taken by the Government is not sustainable, and that, by allowing this motion, you will be allowing an infringement not only of the right of reasonable debate, but also the principle upon which the very existence of this Assembly and of all deliberative bodies in the world depends. I do not wish to take up the time of the House any more, but I would conclude with the hope that Honourable Members will not look at the mere letter of the rules, but that they will look to the underlying principles and the very basis of representative institutions of this character, and when you do that, there can be no denying the fact that the one principle which underlies all the rules and Standing Orders is that, in every case where the right is not specifically taken away by the rules themselves, or where it is not waived by the person who wants to exercise it, that right cannot be defeated circuitously or in a round about manner, by bringing forward a matter which, on the face of it, or which, when you come to examine it more closely, is not a matter which can be debated upon without, in some way or other going into facts which are the subject of inquiry or trial in Law Courts<sup>5</sup>. . .

<sup>5</sup> The President ruled the motion out of order on the ground that it involves the abuse of the forms and procedure of this House. The President agreed to the

*Mr. Kabeer-ud-Din Ahmed:* But none of these 31 accused in the Meerut case are being mentioned in the Bill and its objects and reasons?

*Pandit Motilal Nehru:* We are talking of principles now, and we have nothing to do with persons. I submit that, if you act on those principles, you will find that the rules and Standing Orders do not authorise a procedure which would render them nugatory and of no effect whatever. My Honourable friend, the Home Member, may stand up and say "Well, it is the sweet will and pleasure of the Government that this law be passed, I move, sir"—and he sits down. Well, he is at liberty to do that. What are we to say? We have got to satisfy ourselves, we have to satisfy the House, that this is not a measure to be passed, and therefore, when we stand up and give our reasons, what do we say? We say that it is entirely wrong to say that this Third Communist International has any such objects as are attributed to it, but even assuming that it has some of those objects, it is entirely wrong to say that those objects are in any way being propagated by these persons, because the guilt of these persons can only be an inference from their belonging to certain associations. The whole complaint is, as I have stated, a repetition of what is contained either in the speech of the Honourable the Home Member or in the Bill. I, therefore, submit, sir, that it is perfectly within your rights to direct that a further debate on this Bill is impossible, and that being so, the Bill itself cannot be proceeded with.

observation of Pandit Motilal Nehru that no real debate on the Bill could be held without frequent references to the Meerut Conspiracy Case.

The above ruling of the President was taken by the Executive as a challenge to their powers. In the course of his address to the members of the Council of State and the Legislative Assembly on 12th April 1929, the Governor-General, therefore, stated that the President's ruling was to debar the Government from asking the Legislature to give it the additional powers of which it conceived itself to stand in need. According to Lord Irwin, the ruling also made it impossible for either Chamber of the Legislature to record any decision upon Government's proposals.

Consequently the Government was forced to promulgate an Ordinance forthwith under Section 72 of the Government of India Act, announced His Excellency.

—For details, see L.A.D., *op. cit.*, pp. 2987-9 and 2993-5.



## The Transfer of Property (Amendment) Bill

*Speaking on the Transfer of Property (Amendment)  
Bill, as reported by the Select Committee, on 10th  
September, 1929.*

Sir, I rise to support the amendment of my Honourable friend Mr. Aney<sup>1</sup>, and in doing so, I must make myself perfectly clear as to why I am doing it. I do not subscribe to the argument based on the sentimental ground that by removing the word "Hindu" we shall incur the displeasure of the Hindus and that retaining the word "Mussalman" will show that there was some favour done to the Mussalmans by the Indian Legislature. I am supporting that amendment purely as a lawyer and not as a Hindu, and I say that the provision in the Bill is not a safe provision for any Legislature to pass.

It is said that the object of the amendment is to avoid superfluity—that is No. 1—and that the amendment secures certainty—that is No. 2. Both very laudable objects no doubt and recognised as very valid reasons for the amendment. But are we quite sure that these words are so superfluous as they have been made out? Now, sir, I have very carefully followed the speeches of the Honourable the Law Member, or I may say, the Honourable the Law Members, past<sup>2</sup> and present<sup>3</sup>, and I have been looking in those speeches for something which would show that such an exhaustive examination of the provisions of Hindu law has been made by the various expert committees which have considered this Bill<sup>4</sup> or by the Select Committee as to entitle them to say:

<sup>1</sup> The amendment proposed by Mr. Aney was that clause 3 of the Bill be omitted and consequential amendments be made.

—L.A.D., Vol. IV (1929), p. 530.

<sup>2</sup> Mr. S. R. Das.

<sup>3</sup> Sir Brojendra Mitter.

—For text of speeches on the subject, see L.A.D., Vols. II and IV (1929), pp. 1599-603 and 525-6 respectively.

<sup>4</sup> Honourable Mr. S. R. Das prepared an amending Bill and also a supplemen-

“We know the whole Hindu law on the subject and on the basis of that knowledge we can say that there is nothing in Chapter II of the Transfer of Property Act which infringes any rule of Hindu law.”

Unless they are in a position to say so, they cannot claim that these words are superfluous.

In the course of the speeches of my Honourable friends, reference has been made to the rule of Hindu law that a gift in favour of an unborn person is not valid under that law, and it has been said that since the Hindu law on that point has been modified by statute, nothing remains which will bring the Hindu law into conflict with the statute law as contained in Chapter II of the Transfer of Property Act. It will be convenient briefly to deal with the history of that question. There are two rules of Hindu law which have been recognised time after time beginning from the well-known Tagore case down to very recent times, even after the passing of the Hindu Disposition of Property Act. One of those rules is that a gift in favour of an unborn person is not known to the Hindu law and is invalid, and the other is that you cannot postpone the vesting of property under the Hindu law beyond the close of a life in being—I am repeating the very words of the Privy Council—and that rule has been followed ever since the case reported in 6 *Moore's Indian Appeals*, Surajmani Dasi's case and in a long string of cases up till last year. That being so, when it was felt by certain Hindus that it was an unnecessary limitation of the right of making a gift or transfer not to make it in favour of an unborn person—and in certain instances it certainly appeared to be very unnatural that a man should not make a gift in favour of the son or grandson of a relation who was not born then but was likely to be born at some future time—they came up to the Legislature to ask for a modifica-

tary Bill on the subject and circulated the same to the Local Governments in 1926 for eliciting their opinions. On receipt of replies from the Local Governments, a committee, consisting of Mr. Das, as President, Mr. Mulla, Dr. Sen and Sir Brojendra Mitter, was appointed to consider the two Bills and also a Bill which was prepared by Sir William Vincent on the subject in 1915. It was on the basis of the recommendations of this committee that the Bill in question was brought before the Legislative Assembly.

—Quoted in the speech of Sir Brojendra Mitter while introducing the Bill in the Legislative Assembly on 6th March, 1929.



tion of the Hindu law on that point. Now, if you get the Legislature to say that in future, the Hindu rule of law that no gift shall be valid if it is made in favour of an unborn person is to be abrogated, you must conform to some rule of the law of property which imposes a similar restriction on grounds of public policy. Well, that rule is the English rule against perpetuities, and to those who wanted the Hindu law to be modified in that respect, namely, that the gift be made to an unborn person, it was said and properly said that you are now going out of the pale of Hindu law and must conform to some other law governing gifts. It was for this reason, that when the Legislature recognised the right of the Hindu to make a gift in favour of an unborn person, it imposed the restrictions contained in sections 13, 14 and other sections of the Transfer of Property Act and the corresponding sections of the Indian Succession Act. That is to say, the Hindu law of perpetuities being quite different to the English law of perpetuities, which has been incorporated in the Transfer of Property Act and the Indian Succession Act, if you want to escape the Hindu law, the only other alternative is that you must conform to the other rule of law of general application, because you cannot be allowed to make a transfer which is unknown to every system of law under the sun. It must come under some law, and therefore in the Hindu Disposition of Property Act it was laid down:

“Subject to the limitations and provisions specified in this Act, no disposition of property by a Hindu, whether by transfer *inter vivos* or by will, shall be invalid by reason only that any person for whose benefit it may have been made was not in existence at the date of such disposition.

“The limitations and provisions referred to in Section 2 shall be the following namely—

- (a) in respect of dispositions by transfer *inter vivos*, those contained in Sections 13, 14 and 20 of the Transfer of Property Act, 1882 . . . .”

which enacts into a statute law the English law of perpetuities. Therefore since the passing of that Act, the Hindus who make either gifts or bequests in favour of unborn persons are subject either to Section 14 of the Transfer of Property Act, or the cor-

responding Section 101 of the Indian Succession Act, and they must not go beyond the limits imposed by the rule against perpetuities. But there is no case law, there is no statute law which has in any way modified the original Hindu law rule that no vesting of the estate shall be valid if it is delayed beyond the close of a life in being. Remember that the English rule of law goes further. The two rules are entirely different. Therefore, I say that the rule of Hindu law has not been entirely abrogated by the Hindu Disposition of Property Act, and that is the only Act which has interfered with the original Hindu Rule of law on the subject. That is one thing, but when you come to say that nothing contained in Chapter II of the Transfer of Property Act, a chapter which consists of something like 40 or 45 Sections, affects any rule of Hindu law, you undertake to say that you have examined all the corresponding rules of Hindu law, and you are convinced that there is nothing in those rules which conflicts with the rules laid down in the Sections of the Transfer of Property Act. Now, that is a claim which I submit no lawyer in his senses would ever make. It is impossible for anybody to anticipate the rules of Hindu law which may or may not be applicable to the vast variety of transfers of property. It was said by the Honourable Mr. Mulla<sup>5</sup> that personal law is one thing and the law of property is another. Now, it is well known that personal law affects property. What is the Hindu law of gifts and wills if it is not the personal law of the Hindu? Are not the laws of gifts and the laws relating to wills laws of property as well? My Honourable friend is quite right in saying that, so far as the Hindu law of gifts to unborn persons is concerned, that part of the personal law of the Hindus has been substituted by statute law in India. But to say more than this is to make a claim which cannot be substantiated because you have to examine every provision of the Hindu law of gifts and wills and study other ways in which property may pass from one hand to another before you can make such a claim. As the law stands now, it does not work any hardship. I do not see where is the reason for this big claim being put forward and this House consisting perhaps of half a dozen lawyers passing this Bill which will have the effect of abrogating all conceivable rules of the Hindu law on the subject of gifts and wills. Now, it has been held by the Privy Council, and it is established law, that the law of gifts and the law of wills

<sup>5</sup> For text of Mr. D. F. Mulla's speech, see L.A.D., Vol. IV (1929), pp. 542-4.



under the Hindu law are co-extensive. Can anybody say that no case will ever arise in future where some other rule of Hindu law, other than the rule against perpetuities and other than the rule against unborn persons, will be called in aid by one of the litigants either to support or defeat transfer? I submit that it cannot be said that these words are superfluous. What is the harm if Section 2 of the Transfer of Property Act is allowed to remain as it stands. What is the trouble? That Section simply says that nothing in the second chapter shall be deemed to affect any rule of Hindu, Muhammadan or Buddhist law. Now, it was said by the Honourable Mr. Mulla that the practice has become so frequent for people to come and say, "Oh, well, the Transfer of Property Act does not apply to the Hindus." If people say that, they do not know what the law is and they ought to be told that that is wrong. All that the law says is that if there is a rule of Hindu or Muhammadan law or Buddhist law which is established to be contrary to the provisions of Chapter II, this Chapter will not affect it. The burden of establishing that there is a rule of Hindu law which is not the same as the rules contained in Chapter II of the Transfer of Property Act is upon the man who says that that Chapter does not apply. It is not enough to say that Chapter II does not apply. It only says that if there is a rule of Hindu law which is in conflict with any of the sections of Chapter II, that rule will not be affected by anything that is said in Chapter II. If you leave it at that, you leave the person who in future comes after the passing of the Hindu Disposition of Property Act, to say, "Well, I am not governed by Section 14 or any of the other sections mentioned there." You will say to him "Where is the rule of Hindu law, produce it" and if he produces only these two rules you can confront him with the Hindu Disposition of Property Act and say that they are no longer applicable to Hindus. Why do you close the mouth of a litigant for all time to come—to rely upon some rule of Hindu law which may be thoroughly inconsistent, for aught we know, with the rules contained in Chapter II? Why should there be such a bar before the case actually arises? Now, we have heard from the Honourable the Law Member the two canons which are to guide legislation in these matters, namely, avoidance of superfluous words and the making of the law a certainty. We know that centuries have rolled by and no one has yet succeeded in making the law certain, and nobody will ever succeed in making

it certain. Of course, the aim is a very laudable one and we must keep it in view. It seems to me that the only certainty about it is the certainty about our ignorance of all the provisions of the Hindu law. For the rest, everything remains as it was.

It is on these grounds that I submit that it will be very unsafe for this House to pass a law which may have far-reaching effects which no Honourable Member can pretend to anticipate at this moment. All practical purposes are served when you say that nothing contained in the Act in Chapter II shall affect any rule of Hindu law which has not already been affected by such law. To me it appears that instead of trying to delete the words "Hindu" and "Buddhist" from that Section, the proper course would have been to incorporate the Hindu Disposition of Property Act into the Transfer of Property Act as applying, of course, only to Hindus. However, that is not my business, and I am not here to improve the drafting or to include things that have been left out. Let me point out that when the Hindu Disposition of Property Act was passed, no such exaggerated claim was made by this Legislature. They confined themselves to the point. The disposition in favour of an unborn person was made legal. What did this House say? This House said, "If you are taking it out of the Hindu Law, Sections 13, 14 and 20 will be applicable." It did not take it upon itself to say that all the rules of the Transfer of Property Act would apply, or that the whole of Chapter II would apply; and yet all that is said now as justifying the omission of the word "Hindu" is that now, after the passing of that Act, gifts to unborn persons can be made, and the rule of perpetuity has also been changed. If this is a valid reason, then the proper thing for this House at the time of passing the Hindu Disposition of Property Act would have been to say that, from this moment, gifts in favour of an unborn person shall be valid, and Chapter II of the Transfer of Property Act shall apply. But what they said was that these three Sections would apply no more, and they left everything else to Hindu law as it was and for the Court to determine what it was and how far it came in conflict with any of these rules. Therefore I say that it would be very unwise to make such a sweeping change as is involved in the deletion of the words "Hindu" and "or Buddhist" from this Section. You must leave it as it is. The cases we have so far concerned ourselves with, the cases that came to our knowledge, are cases which are governed by the Hindu Disposition of Property Act.



These are my grounds, sir, upon which I ask this House to be very careful and abstain from taking a leap in the dark. It should confine itself to the actual purpose and that actual purpose is served by the Section as it stands in the existing Act. Then as to the voting, I submit that this is not a matter on which there need be any party voting or any mandate or a matter which the Hindus should make a Hindu question or the Muhammadans should make a Muhammadan question; in fact the Muhammadans have got nothing to do with it, as it does not affect them at all. The whole point is whether this is an amendment which has been so clearly made out to be necessary that you must go against the feelings and the opinions of the Honourable Members who have already spoken against the amendment. I submit that no such strong case has been so clearly made out to be necessary that you must go against the feelings and the opinions of the Honourable Members who have already spoken against the amendment. I submit that no such strong case has been made out. Of course, I do not associate myself with any such sentiment as has been expressed by certain Honourable Members about the Hindus taking it ill or with their interpretation of Section 8. I quite agree with the Honourable the Law Member and Mr. Mulla in their interpretation of Section 8, but I take my stand on the ground, which has also been urged by previous speakers, that no necessity has been made out for the removal of these words as is claimed, and I submit that that claim is wholly without foundation and cannot be justified.

[The amendment as proposed was negatived]

## Unprecedented Measure

*Speaking on the Criminal Procedure (Amendment) Bill\*  
on 14th September, 1929.*

Sir, previous speakers on this side of the House have characterised this Bill<sup>1</sup> as an unparalleled and unprecedented measure. To my mind it is nothing short of an outrage on any Legislature to be asked to consider a Bill of this kind. I have just had the benefit of listening to a solemn lecture which I have long ceased to be accustomed to during the last forty-five years ever since I left the classroom. That came from the Honourable the Law Member.<sup>2</sup>

*The Honourable Sir Brojendra Mitter:* Sir, it was my misfortune, not my fault.

*Pandit Motilal Nehru:* But I do not know which is to be more regretted, the misfortune of the Law Member or his fault, because in the present case both the elements are present. It is his misfortune to select a place and an occasion to say things which are not at all suitable to that place or occasion, and it is his fault that he does not

\* It was alleged in the Lahore Conspiracy Case that a number of persons had, at Lahore and other places in British India at various times and occasions, been engaged in conspiracy to wage war against His Majesty the King-Emperor and to deprive him of the sovereignty of British India and to overawe by criminal force the Government established by law and to collect men, arms and ammunition for or otherwise make preparation for the said object and purpose. The acts committed in the furtherance of the conspiracy, it was alleged, included : murder of a number of persons, the Assembly Bomb outrage, dacoity at a number of places, manufacture of bombs, etc.

Because of the maltreatment by the police authorities of the undertrials, the accused in the Lahore Conspiracy Case and a number of other Conspiracy Cases resorted to hunger strike. The trial was thus held up and resulted in a complete deadlock and paralysis of the legal machinery. This had necessitated the amendment of the Criminal Procedure, as argued by the Home Member.

<sup>1</sup> The amending Bill sought to introduce a new Section 540-B in the Code of Criminal Procedure, 1898. The provisions of the proposed amendment were "that if any accused person, by his own voluntary act, is incapable of appearing before the Court and declines to be represented by counsel, the Court has a discretion, in the special circumstances, to dispense with his presence."

—L.A.D., Vol. I (1929), p. 711.

<sup>2</sup> Sir Brojendra Mitter.

—For text of speech, *ibid.*, pp. 765-72.



know what the law is. Well, I will take up the challenge of the Honourable the Law Member and show that there is absolutely no foundation for the distinction which he makes between avoidable and unavoidable absence nor for the interpolation of words into a Statute<sup>3</sup> which the framers did not use on any principle of the criminal jurisprudence of India or England or any other part of the world.

Sir, I shall deal with the Honourable the Law Member as I come to the points which he has raised. Let me first deal with the avowed object of the Bill. For that purpose I shall ask the House just to refer to the Statement of Objects and Reasons which is a very short and sweet document. It is said:

“The Code of Criminal Procedure, 1898, contains no provision by which an inquiry or a trial can continue in the absence of an accused if he is not represented by counsel.”

I ask the Honourable and learned Law Member, is there any system of jurisprudence in the world, which does contain a provision by which an inquiry or a trial can be continued in the absence of the accused person.<sup>4</sup> I submit that there is no precedent for it in any known system of criminal jurisprudence. And this is what is said to be a lacuna! These principles are centuries old. People have been tried for hundreds of years but it was given after all these centuries to the present Government and to the present Law Member to discover that there was this lacuna in the Criminal Procedure Code of this country. Then, what is the evil that is sought to be removed? The Statement of Objects and Reasons proceeds:

“It is, therefore, possible for an accused to bring the administration of justice to a standstill by a voluntary act by which he renders himself incapable of attending Court.”

The same has been the experience elsewhere and as I shall presently show, it certainly was the experience, if not in England, at least in

<sup>3</sup> See footnote 5, *infra*.

<sup>4</sup> The first and most fundamental rule of criminal jurisprudence is that the law shall prevail, that in every civilised country, every man is entitled to the protection of the law, and that every man who is accused of an offence shall be called upon effectively to answer it. The proposed Bill, therefore, traversed from general principles of criminal jurisprudence.

the neighbouring island of Ireland, and yet it never occurred to anybody either in England or elsewhere to suggest the removal of this lacuna in the law of the country. The chief object of the Bill is this:

“The provisions of this Bill are intended to prevent the delay and defeat of justice.”

Well, if it were said that the object is to delay and defeat justice, it would be more appropriate. And what is the remedy?

“Empowering Judges and Magistrates to proceed in the absence of an accused, even if he is not represented by counsel.”

That is to say, by doing a thing which is not warranted by any system of law or jurisprudence. Those are the reasons and those are the objects. I submit that not one of them is such as should have been placed before any legislature.

Much has been said about the cardinal principles and the fundamental rules of criminal jurisprudence and criminal law. I now take up the argument of my Honourable friend, the Law Member that there is an omission which he supplies by reading the word “unavoidable” in Section 540-A,<sup>5</sup> and after making that interpolation, he says, here is the law which provides only for “unavoidable” absence. In the first place, I ask this House to make no such assump-

<sup>5</sup> The following was the Sub-clause (1) of Section 540-A, which dealt with the presence of the accused either in person or vicariously by pleader :

“At any stage of the inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of such accused is represented by pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.”

Sub-Clause (2) related to a person having no pleader :

“If the accused in any case is not represented by pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry, or trial, or order that the case of such accused be taken up or tried separately.”

The Law Member suggested the following remedy for the removal of the so-called lacuna in the Criminal Procedure Code :

“The lacuna consists in there being no provision for avoidable absence;



tion of the existence of a lacuna as the Law Member wants us to make, and secondly I ask the House to read the section as it stands.

It is opposed to every canon of construction either of civil or criminal law to read into the law what is not there. You cannot restrict the ordinary meaning of the words and take them to mean something not warranted by their grammatical construction or dictionary meaning.

Now, let us examine these fundamental and cardinal principles. The first is admitted by the Law Member. It is that you cannot begin a trial in the absence of an accused. He must either be present himself or must be brought before the Court before the trial can commence. I need not cite any authority for that provision because I take it that it is admitted by the Honourable the Law Member, but there is a whole series of sections in the Code of Criminal Procedure dealing with this point. There are four forms of procedure. The first relates to inquiries into causes triable by Sessions Judges and High Courts, the second to summons cases, the third to warrant cases, and the fourth to trial before the Sessions Court or the High Court. Separate Chapters of the Criminal Procedure Code deal with these various kinds of trial or inquiry, and the opening section of each Chapter lays down that the Court shall begin the proceedings when the accused appears or is brought before the Court. That is principle No. 1. The second principle, which has been conceded by my friend, is that the accused must be given an opportunity to be heard. We are not concerned with that in this case. But there is a third principle. What is to happen if the accused ceases to attend the Court while the proceedings are going on? The Legislature has not ignored that contingency. That very contingency is provided for in Section 540-A, clauses (1) and (2). Now, if clause (2) of that Section is read without the commentary of my learned friend and without the interpolation of words which he finds it convenient to read into that Section, then it covers exactly the present case. Here is a case where there has been an incapability to remain before the Court, the cause being immaterial. You have got two courses open. Either a separate trial of those incapable of attending may be ordered and the trial of those who are capable

540-A has provided for unavoidable absence, but avoidable absence has not been provided for. This lacuna is sought to be filled by the present Bill."

—L.A.D., *op. cit.*, p. 770.

of attending continued, or the whole trial may be postponed. These are the only two courses. Now, it is sought to introduce a third course, *viz.*, that the Court may do away with the presence of the accused as well as of that of his counsel or pleader—a contingency which is neither contemplated by the law of India nor by the law of any other country. The essential condition of a trial is that you must confront the accused with his accuser before you can sentence him or even before you can proceed against him. That is why every accused has got to be present, if the proceeding is to be a trial. Every witness who comes into the box and every little piece of evidence that is tendered against him must be adduced in his presence. The commencement of the trial needs the presence of the accused. The continuation of the trial equally needs the presence of the accused. If there is incapability to remain in attendance, from whatever cause arising and there is no pleader to represent the accused, there can be no trial at all unless we read Section 540-A, as the Law Member has done, with additions and subtractions of his own. I trust nobody in this House will lend himself to such a course.

Another fine argument is advanced in the case of absconders. It is said that the accused must be under the custody or the control of the Court. Now, there is no provision of law under which any evidence can be adduced against an absconder or the case can be proceeded with without him, until he appears sooner or later. All that can be done is to have recourse to proceedings in the nature of perpetuation of evidence. I congratulate the Law Member for the use of the correct legal term “perpetuation of testimony”. Now, sir, the whole point of the analogy of the absconder put forward by my Honourable friend Mr. Abdul Haye has been missed by the Law Member. The point of his argument is this. Here is a man who, by his own voluntary act, in order to save his skin, does something which is in itself an offence and defies both the executive officers and the Court. He effects his escape and remains in hiding and never comes before the Court. The machinery of the law is held up. Nothing can be done until this man appears again. If there is any apprehension of some of the witnesses dying before the accused appears, then their statements are taken down and those statements are, in the words of Mr. Jinnah preserved, not perpetuated. All that can happen is that those statements can be



used against the accused when the accused appears if the witnesses have died meanwhile. Nothing can be done on those statements. No order can be made on those statements. It is only when the accused appears that these statements can be used against him, but if the witnesses are all available everything else that has gone before counts for nothing and cannot be referred to.

It is only then that the trial begins. Well, what my Honourable friend Mr. Abdul Haye says is, here are men who have not rendered themselves incapable to attend to save their skin but who are sacrificing themselves for a very noble object. You cannot deal with them, and the law says you shall not deal with them. Why do you invent this internal machine in order to deal with them? That is the point; because, without inventing this machine you cannot touch them. That is a patent fact. Now, sir, let us examine the argument and see what it comes to. The Government say that, so far as the existing provisions concerning trials are concerned, we cannot carry on this trial and, therefore, we want additional powers. If they were honest enough, as my Honourable friend, Mr. Jinnah has pointed out, they would say, "Well, we want some sort of power, some sort of procedure, which will take the place of a trial because we cannot try these men". It is impossible for you to come and say, "Let us try a man without complying with the fundamental, with the very essential condition, namely, the presence of the accused". Now my Honourable friend, the Law Member, said that, if the remedy is to appoint, to take power to appoint, a pleader for a man who has not appointed a pleader, then he is willing to meet us half way; and he said that he would give the Courts the power to inflict a pleader upon an unwilling client who, most probably has no confidence in this pleader and to whom he does not wish to entrust his case. That, sir, is the favour that the Law Member is willing to grant. I have here, sir, a pronouncement by one of the distinguished Judges of England in the case of *Reg. v. Yscuado* which was referred to in this very case by the Lahore High Court. In this case the prisoner was indicted for wilful murder. When he was called upon to plead, no word or sign could be elicited from him, and the jury were sworn to try whether he stood mute of malice or by the visitation of God. The jury found that he stood out of malice. Then it was suggested by the prosecution that, under the peculiar circumstances of the case, counsel should be assigned to the prisoner and

one of the counsel present at once volunteered to defend him. The prisoner was asked whether he wished to have the services of counsel to defend him, but no reply was given.

*The Honourable Sir Brojendra Mitter*: Sir, I think the Honourable the Pandit has misunderstood me. What I said was that the Crown would be prepared to pay for a pleader of his own choice, that is, the choice of the accused, not against his wish. I never suggested that. That was a misapprehension.

*Pandit Motilal Nehru*: I am very glad, sir, that my Honourable friend admits that Government have no right to force a pleader upon a client who does not wish to have him.

*The Honourable Sir Brojendra Mitter*: I fully accept that.

*Pandit Motilal Nehru*: I quite appreciate the force of the great offer, the liberal offer that he has made. Nobody, has gone to him begging money to pay for pleaders. He knows that these people are being defended by a Defence Committee which has ample funds at its disposal.

*The Honourable Sir Brojendra Mitter*: I was not thinking of this case or that case. I was thinking generally of the provisions of the law.

*Pandit Motilal Nehru*: It is this case which has brought the Government before this House and if anything does not apply to this case we can reserve it for future consideration.

Now, sir, my whole point is this, that I cannot conceive of a trial either being commenced or being continued without the presence of the accused or the presence of his lawyer where his personal attendance can be dispensed with. Now there is one instance to the contrary which has been given and that is from Stephen's *History of Criminal Law*.<sup>6</sup> Mr. Jinnah has pointed out that that was in the exercise of the Common Law jurisdiction which the Presidency High Courts had inherited from the Supreme Courts and that that Common Law jurisdiction had its origin in an ancient and obsolete rule no longer followed. Now the present Bill, if passed into law,

<sup>6</sup> Mr. M.A. Jinnah, in the course of his speech on the Bill quoted the following instance from the Stephen's *History of Criminal Law* :

"If he was accused of felony, he was condemned, after much exhortations, to the *penie forte et dure*, that is, to be stretched, naked on his back, and to have 'iron laid upon him as much as he could bear and more', and so to continue, fed upon bad bread and stagnant water on alternate days, till he either pleaded or died."

—L.A.D., *op. cit.*, p. 759.



is not going to apply only to those courts which have inherited their jurisdiction from the Supreme Court.

*Mr. M. A. Jinnah:* Sir, may I point out to the Honourable Member that it is not only that, but that this Bill is not going to bring the party before the Court and the question of contempt of Court does not arise here.

*Pandit Motilal Nehru:* That is exactly what I am saying. I say, even so, that procedure which has been mentioned by Stephen in his book will not apply to any part of India except in cases of contempt when tried by the High Courts which have inherited jurisdiction from the Supreme Court.

*The Honourable Sir Brojendra Mitter:* Sir, all I submitted was that the principle was not unknown, not unheard of.

*Pandit Motilal Nehru:* We are now, sir, passing a law of general application and we must exclude from consideration all special cases and special applications of special rules. Now, if that is so, then my challenge stands. I want to ask, can there be any trial under any system of law, or can a trial be continued without the accused being present except when the presence of the accused who is represented by a pleader is dispensed with under the provisions of Section 540-A? Well, I submit, sir, it is a misnomer to call a proceeding, a trial at which the accused is not present either personally or by pleader. Whether it is by his own voluntary act that he has incapacitated himself from appearing, or whether it is by a visitation of God is immaterial. The law makes no distinction whatever because in no case can there be a trial without the presence of the accused. When you say there can be a trial without the accused, you go against all notions of criminal law. Under the pretence of removing a lacuna in the law, you sap the very foundation of criminal justice. You may need, but do not slander the principles of criminal jurisprudence. There is no justification for asking any Legislature to so amend the law that it ceases to answer to the description of any law whatever. Sir, if that well-known expression of my colleague, the late Mr. C. R. Das,<sup>7</sup> was ever applicable to any law, namely, a lawless law, it certainly is applicable to the measure which is now before this House.

I will leave the legal aspect of the case at that and will now deal briefly with the facts and circumstances which have induced the

<sup>7</sup> Founder and Leader of the Swaraj Party.

Government to come before this House to ask for special legislation. Previous speakers have used strong language and indulged in severe condemnation of the Government for their action or inaction in this matter. That, I submit, is fully deserved by the Government, but there is another aspect of the case which appeals to me more, and it is that the present action of the Government excites more pity and commiseration than anger. The Government comes before the House and says: "We have blundered; we have not done our duty; we have blundered in our treatment of these accused people. The matter has gone so far and we are in such a mess now that we come to this House to help to extricate us from that mess by some sort of special procedure which, whether known to the law or unknown to the law, will save us". That is the position. The only answer to this position can be: You have done these things in spite of repeated warnings of this House. I will not go into the long history of these warnings because my Honourable friend Mr. Jinnah has already referred to them.<sup>8</sup> By your persistent conduct you have brought all these things upon yourselves, and you have to take the consequences; we cannot help you. That is the plain answer. But have the Government done their duty? They say, they have. By the courtesy of the Honourable Mr. Emerson<sup>9</sup> I am provided with certain papers, which show the exact nature of the demand of the accused. Much has been said on the floor of this House as to the reasonableness of those demands. In opening the debate, the Honourable the Home Member<sup>10</sup> relied upon the extravagance

<sup>8</sup> Referring to a number of protests lodged with the Government of India by the Legislative Assembly, Mr. M.A. Jinnah stated :

"What has been the attitude of the Government towards this House and the country outside over the constitutional reforms since 1924, leave alone the past prior history? The reply is: 'We have appointed the Simon Commission and we must await for its Report'. Well, the Simon Commission was not accepted by this House... This is the answer in regard to the constitutional reforms. What has been your answer with regard to the Indianization of the Army? You appointed a Committee to go into that very important question; I attach more importance to it than to any other question. What have you done with the unanimous Report of the Skeen Committee which was endorsed by this House, with a division. What have you done with it? The attitude of Government had been an amazing one."

—L.A.D., *op. cit.*, pp. 763-4.

<sup>9</sup> Home Secretary.

—For text of speech, see *ibid.*, pp. 742-52.

<sup>10</sup> Mr. J. Crerar.

—For text of speech, see *ibid.*, pp. 711-6.



of the demands, which, he said, were made not only for themselves by the present accused people, but also for the convicts in the Kakori case<sup>11</sup> and the Ghadr case. And in order to impress the House both the Honourable the Home Member and the Honourable Mr. Emerson read a long list of the most violent and diabolical crimes that could be imagined which these men were found guilty of. And it was said that the demand made by the Kakori prisoners and the Ghadr prisoners was for preferential treatment, and that it was a demand which was far too extravagant to be looked at. That is not my reading of it. It is true that the letter of the application which was read by the Honourable Mr. Chaman Lal<sup>12</sup> does mention the Kakori case and the Ghadr case, but I take it, as only illustrating the general principle. When we look at the demand, we have to see what these prisoners want for themselves. Can it be pretended that had this special treatment been withheld from the Kakori and the Ghadr prisoners, still these Lahōre prisoners would not have broken their hunger strike? There can be no suggestion of that kind. But, in point of fact, the real demand of these people was a very reasonable and a very simple one. Now, the first is a letter or application of the 17th June, 1929, by Bhagat Singh<sup>13</sup> in which he puts his demand like this:

“My demands are—special diet, including milk, ghee, rice and curd. No forcible labour. Toilette soap, oil, shaving, etc. Literature, history, economics political science, poetry, drama or fiction.”

He wants something to read, something to live upon, some decent

<sup>11</sup> On the 9th August, 1925, a passenger train was stopped by some persons and looted within ten miles of Lucknow Junction. Enquiry into this dacoity revealed to police, existence of a widespread revolutionary organisation in the United Provinces with an offshoot in the Central Provinces working in concert with the main organisation in Bengal. The object of the organisation was to effect armed revolution for the overthrow of Government. It was also found in this case that the members of the Conspiracy committed the following dacoities to collect funds for the organisation: Bamrauli dacoity committed on the 25th December, 1924; Bichpuri dacoity committed on the 9th March, 1923, Dwarka dacoity committed on the 24th May, 1925.

<sup>12</sup> Refers to the letter which was written by Mr. Bhagat Singh and Mr. B. K. Dutt, the two accused in the Lahore Conspiracy Case, who resorted to hunger strike. —For details, see pp. 92-5, *infra*.

<sup>13</sup> One of the accused of the Assembly Bomb Case for which he was hanged.

food and something to keep himself clean; some soap and water and towel. That is the first demand.

Then Dutt,<sup>14</sup> his co-accused, in another letter without date says this:

“My demands are the following: Better food, including loaf and milk in the morning; rice, dal and vegetables and curd and sugar in the noon; and bread, meat and *chatni* at night. No labour; all kinds of literature and papers; toilette, including soap, oil, comb and bath. Better accommodation; and civil dress. I used to get all these things in the Delhi jail before and after my conviction from the jail expenses.”

Honourable Members will remember that the Honourable the Home Member said when some other Member was speaking that all these concessions were made when these men were undertrial prisoners, but here is the statement of this man Dutt who says:

“I used to get all these things in the Delhi jail before and after my conviction from the jail expenses.”

I will not read all the other papers I hold in my hand, but will go to the very last which must have been received about the 7th or the 8th of September. It is dated the 6th September. This is directed to the Chairman, Punjab Jail Inquiry Committee and Members of the Hunger-Strike Sub-Committee. It is most important to know what is the version of these accused persons in regard to what the Jail Inquiry Committee or rather the Jail Sub-Committee, which visited them, actually promised them when they induced them to break the strike, as the Jail Inquiry Committee say, or suspend it, as the strikers put it. It is not a very long document and I shall read it. I see it is not signed by anybody, but I find that it was sent through the jail superintendent. So there can be no mistake that one or more of these people must have vouched for this document.

“Dear Sirs,—We beg to bring the following to your kind notice:

“(1) That we did not abandon hunger-strike, but merely

<sup>14</sup> *Ibid.*



suspended it pending the decision of the Government. We think we made this point clear to you, and further repeatedly requested you to make it clear to the public and the Government alike. We are surprised to note that this point has not been even mentioned in the Press statement given by the members of the Hunger-Strike Sub-Committee as published in the *Civil and Military Gazette*, dated the 4th September, 1929. However, we hope you will do so at the earliest opportunity.

“(2) We suspended the hunger-strike, but only on the assurance”

—this is important. This is what they claim was the assurance given to them—

“that you and the remaining members of the Inquiry Committee will make unanimous recommendations practically meeting all our demands to our satisfaction. One of us pointed out to you that Government in most of the cases in the past did not accept such recommendations of the Inquiry Committees as it did not serve their purpose, and as an instance cited the glaring instance of the Skeen Committee. We feared that the recommendations of your Committee as well might be treated in the same manner.

“In reply you said that you had consulted the Local Government before coming down to us, and that you were therefore in a position to assure us that Government would not do so in this case.

“It was on this clear and most important assurance that we agreed after full nine hours discussion to suspend the hunger-strike.

“Besides you gave us further assurance that in compliance with our strong desire comrade Jatindra Nath Das would be released immediately and unconditionally, in view of his critical state of health. Secondly that our demands as under-trials, the most important of which was to keep all of us together (including Comrades Bhagat Singh and Dutt), in a general association barrack, would be accepted by the Government within a day or two.”

These are the three points upon which, according to these men,

a definite assurance was given to them and thereupon they suspended the hunger-strike. The letter proceeds:

“But our fears came true when, despite the strong and unanimous recommendations of all the members of the Sub-Committee, the Government did neither agree to release Comrade Das nor to keep Comrades Bhagat Singh and Dutt with us. Thus we have been furnished with immediate proofs of the fact that the Government does not care for your recommendations, and we hope you will excuse us when we say that we believe that all that Government wanted was to exploit your individual positions as public men in getting the hunger-strike broken. We may further mention that before we suspended our hunger-strike we carefully considered how far we could rely on the promise of the Inquiry Committee. On that, Comrades Bhagat Singh and Dutt suggested that the present occasion should serve as a test case. Now that we find that the Government has not paid any heed to even two of the more ordinary recommendations of yours. . .”

—that shows the spirit in which the Government are working. It is not that they have given a long list of impossible demands. Every one of their conditions is quite reasonable. What they say here is that the Government have not heeded even two of the most ordinary recommendations of the Sub-Committee. They continue—

“we have been forced to resume hunger-strike immediately.”

Now comes the most important part of it, as to what they intend to do:

“The condition of Comrade Das is now absolutely hopeless, and if the Government thinks that after his death we will shirk our duty it is a fatal mistake.”

Unfortunately, as we all know Jatin Das is no more:

“Let us all state that we are all prepared to share his fate. For the sake of convenience, however, and keeping the idea



of continued fight in view, we are dividing ourselves into two groups, the first of which is resuming hunger-strike at once. It is resolved that, as soon as a member of the first group meets his death, one member from the second group will come forward, to fill the gap. We have arrived at this decision in full realisation of its gravity. There is no other proper and honourable course left to us now but to follow in the footsteps of our Comrade Das. We regard our cause as just and honourable, which any fair Government would have conceded without forcing the necessity of such a serious step. We repeat that we are going into this fight with a firm conviction that nothing can be more glorious and honourable than to fight till death for a just and noble cause. In conclusion we feel that we fail in our duty if we do not express our heartfelt thanks for the sincere interest and great trouble that you have taken to uphold our cause before the Government."

These are the demands that were made by these men, and this is the character of the men whom you do not want to treat properly. What is the answer that the Government give? The Government say, "Well, these men want to have the privileges of political prisoners. We recognise no such category as political prisoners. All that we know is first division, second division, and so on". How are those classes determined? Those classifications are made according to the mode of life, the position in life, education and things of a like nature. But the species known as the political prisoners is a thing which the Government cannot conceive. Examples are given of the jail rules prevailing in England, in France and in America, and it is said that even in those advanced countries there is no such thing as "political prisoners". There are prisoners of the first division, the second division, and so on. Now, sir, there is an initial fallacy underlying all that argument. Is there anything analogous between India on the one hand, and England, France and America on the other? Are the people of England, France and America struggling for their liberty against an alien occupation? It is in India that we are thus struggling. The political situation in India is one which cannot be found in France, America or England, unless you take the Reds or the anarchists in those countries who are

called criminals. Even against the anarchists and the Reds in those countries, have they asked for a law such as the one you are asking this House to sanction? There is no doubt that the Reds have been compelled to leave the country and otherwise been summarily dealt with. But when it came to a trial, there is not a single case which anybody can cite in which a man was tried in his absence as is sought to be done under the provisions of the Bill. I agree with my Honourable friend Mr. Jinnah, who said that it would be more in accord with commonsense if the Government had asked for executive authority to deal with these people in a certain way, and then the House might consider whether the Government deserved to have that authority or not.

When you come to the classification based upon social status, the position in life and the manner of living, what does it come to? You are prepared to give preferential treatment to a miserable wretch who, for his own benefit, through sheer dishonesty, commits a disgraceful offence, such as theft, robbery, embezzlement, and so on. So long as he is a bank director, or manager who has been living in a princely style, you think he deserves to have special treatment in the jail. But when it comes to the case of selfless patriots, they have, according to you, no station in life, and are men in low positions in life. According to us they really occupy a station in life, life far above of an ordinary human being. And when it comes to the question of these noble souls, who suffer not for the pleasures of their flesh, but who sacrifice their flesh for the well-being of others, when it comes to the case of such people, you deny them a fair treatment. You think that when a robber or a thief who lived well and who, in order to live well got the means of doing so by doubtful means and is detected and sent to jail, then he deserves to be treated better than these selfless patriots, who have nothing to gain for themselves, who have no axe to grind, and who simply offer themselves as a sacrifice to better the conditions of their fellow prisoners. They do not ask you not to try them. They do not want you to release them or to withdraw the case against them, except in the case of the late Jatin Das whose condition of health undoubtedly demanded that he should have been released. They only demanded necessary conveniences. The Government decided that these offences, for which they were being tried, were offences of such a serious nature that there could be no question of the withdrawal of the case.



They decided that these men must be left to their fate, but a conviction and sentence must be secured before they die. I should like to know what you want to do with them. What would it matter if these hunger-strikers died a day or two before their conviction or a day or two after their conviction? Will it be enough for the Government to have the satisfaction of securing a conviction against these people? Is that the reason why this House has been approached for this law? Conviction or no conviction, these men have declared that they are not going to stop their hunger-strike. If they do they would do so of their own accord, but the threat of conviction will not force them to stop the strike. Two of them are convicts in another case, it is true, but they are under trial in this case. I submit that when a person is an undertrial prisoner there is no occasion to go into the offence with which he is charged, because it is admitted both by the Honourable the Home Member and the Honourable Mr. Emerson that the presumption is that he is not guilty. It is on that presumption that you deal with him. If that is so, where is the necessity of your citing a long list of the offences which were proved to have been committed in the Kakori case?

*Mr. H. W. Emerson:* Sir, may I just, with your permission, correct a misapprehension? Undertrial prisoners are never classed as special class prisoners, but only convicted persons. All undertrials are assumed to be innocent whatever the nature of the offence charged against them, and whatever may be their status and education, and so on. There is no distinction made between undertrials on the ground that the offences with which they are charged happen to be of a certain character.

*Pandit Motilal Nehru:* I am very grateful to the Home Secretary. I never misunderstood him on that point. What I said was exactly what he said just now, that there is no distinction made, and yet they are not allowed even the comforts of an ordinary European convict who, according to Government, has better ways of living and whose health is more delicate than that of these people, and for various other considerations. But so far as this hunger-strike is concerned, the question arises what is to be the attitude of Government? As I said, France and England and America are not at all analogous cases. Let us take an analogous case, the case of Ireland. In Ireland the first case of hunger-strike was that of Thomas Ashe. That was in 1916, and after five days of fasting, he was reduced

to the very last stage of weakness. Forcible feeding was resorted to and on the sixth or the seventh day he actually died in the hands of the prison doctor. There were others also who were on hunger-strike and why? Exactly upon the same grounds and for the same cause as these people at Lahore are now on hunger-strike. I will beg your forbearance to read a few passages from this book that I have in my hand. It is a recent book in two volumes, *The Life of Michael Collins*. This is what happened in Ireland. I am reading at page 164 of Volume I:

“In August Thomas Ashe, Austin Stack, and Fionan Lynch were arrested and tried by court-martial on the charge of making speeches calculated to cause disaffection.”

Mind you, sir, this is a court-martial, with far more drastic powers than ordinary criminal courts:

“A number of Volunteer officers were also arrested on the charge of illegal drilling. It had now become the practice of Volunteers or Sinn Feiners, when charged before an English court, whether military or civil, to refuse to plead or to recognise the right of their captors to try them. In this case Thomas Ashe was sentenced to a year's imprisonment. Lynch, to eighteen months and Stack to two years.

“The three leaders were imprisoned in Mountjoy Prison with about 40 others. And now the fight which had been started in Lewes was renewed. The prison authorities endeavoured to subject the men to the same treatment as criminals. They resisted and asserted their right to be treated as prisoners of war, or, at least, as political prisoners. The English authorities, with stubborn obtuseness, persisted in the attempt to classify these men with thieves and murderers; and, all other means of protest having failed, the prisoners went on hunger-strike on September 20th. Austin Stack was their elected leader.

“The prison authorities, confronted with this revolt, resorted to the cruel device of forcible feeding. The hunger-strike, and the circumstances that had given rise to it, stirred public feeling in Ireland profoundly. Even those, who had no sympathy with



Sinn Fein, sympathised with the men's demand to be treated as political prisoners. A huge meeting of protest in Dublin was followed by similar meetings all over the country, and there were daily demonstrations outside Mountjoy Prison.

"On the 25th of September, after five days of hunger-strike, Thomas Ashe was removed to the Mater Hospital in a sinking condition, and he died a few hours later. The death of this brave and gifted young man thrilled the Irish people with grief and indignation."

What happened was this:

"The death of Ashe resulted in the victory of the hunger-strikers. Two days later the English authorities in Ireland conceded the claims of the prisoners and a new series of rules for the treatment of 'political prisoners' was introduced. The men then desisted from their hunger-strike."

So the class of political prisoners did exist in Ireland. Next I will read two or three sentences from the verdict of the jury at the inquest on the body of Ashe:

"We censure the Castle authorities for not acting more promptly, especially when the grave condition of the deceased and other prisoners was brought under their notice on the previous Saturday by the Lord Mayor and Sir J. Irwin.

"That the hunger-strike was adopted against the inhuman punishment inflicted, and as a protest against the men being treated as criminals and demanding to be treated as political prisoners in the first division.

"We condemn forcible or mechanical feeding as an inhuman and dangerous operation, which should be discontinued.

"We tender our sympathy to the relatives in this sad and tragic occurrence."

Then what followed is this:

"Stack, Lynch and the other prisoners were removed to Dundalk about this time. Here fresh complaints led to another hunger-

strike, as a result of which all the prisoners were released on November 17th."

This was war time. The great war was then going on. I have reason to believe that one of the reasons now assigned for this kind of treatment is that this was done under pressure of war. But we know for a fact that this Irish trouble continued till the year 1921, long after the close of the war. The conflicts between the Sinn Feiners, or the Irish Republic Army on the one hand, and the Royal Irish Constabulary, the Black and Tan and the regular English force on the other hand, the various acts of violence and arson committed by both sides in the name of reprisals continued until sometime in May or June 1921 when there was no pressure of war conditions. But although these men were guilty of the gravest crimes according to the English laws in force in Ireland they were, according to themselves, only doing what any people would have done situated as they were. They were taken, more often than not, before the military courts. But never was a trial of these men—even by a court-martial—conducted without the presence of these men.

I shall not go further into this point. My submission is this: There is no justification for the Government not to have conceded the demands of these men at once. As it now turns out, there was nothing extravagant in those demands so long as these men were only undertrial prisoners, though it was first said that their demands were extravagant and preposterous. I think I have established to the satisfaction of the House that they were nothing of the kind. They merely wanted the same treatment as was extended to European prisoners; these not being granted they went on hunger-strike. Now it is said by Government, "We cannot apply the general rules to undertrial prisoners only." Every body knows the distinction between undertrial prisoners and convicted persons. But while dealing with undertrials, all that the Home Member and Mr. Emerson did was to cite rules relating to convicts and not to undertrial prisoners. I have yet to see the rules obtaining in England, France and the United States, which apply to undertrials, and which are more rigorous than those adopted here by the Indian Government. My point is simply this, that there is no precedent, no warrant in law for a measure like this to be brought before the



Assembly, and that what the Government want is not an improvement of the law to provide for an omission; but to ride roughshod over the very first principles of criminal jurisprudence, and that is a thing which I do hope this House will not tolerate.

Now, sir, when we come to the difficulty in which the Government find themselves, I submit that they do not deserve any sympathy whatever at the hands of this House. They have brought it all on themselves by stubbornly and arrogantly refusing the most reasonable demands of a set of people whom they knew were not serving any purpose of their own, but simply wanted in the interest of their fellow-prisoners and incidentally for themselves, to be allowed only such privileges as you allow to every European convict, whatever may be the offence he has committed. You say that you apply the same rules to persons who are not Europeans if they come up to the same standard. Sir, I have no respect for the man or for his mode of living or for his colour or for his station in life if he has been convicted of theft or embezzlement or some such disgraceful crime. On the other hand, I have every respect for the man who—it may be he is misguided, it may be he has acted as I would not have acted—has acted under the best of impulses and in the fullest belief that he was acting for, and in the cause of, his country. I should certainly take off my hat to him, and I should not even look at the other man, however high his position in life may have been. Therefore, there has been no reason shown to justify this Bill. The remedy is only this: forsake your fetish worship of prestige; look at things as they are; try to meet the legitimate demands of these men. Sir, the sort of crime alleged against these men may be very deplorable, but is not the last of the kind; there may be other cases of such crime. You will only be multiplying those cases by the treatment which you are according to the accused in this case. You are certainly not preventing such crime by the treatment you are giving to these people.

For all these reasons, I submit that there is no occasion for this House to pass this law, and I may mention that I am not only opposing the motion of the Home Member, but also the other two motions, namely, the motion for circulation<sup>15</sup> and the motion for reference to Select Committee<sup>16</sup>; but if it is the desire of the other

<sup>15</sup> Moved by Mr. N. C. Kelkar.

<sup>16</sup> Moved by Mr. K. C. Roy.

Members of the House, then out of consideration for their opinion we shall vote with those who ask for the circulation of this Bill.

[Motion for circulation was adopted]

[At 4 P.M. on the same day Pandit Motilal Nehru moved for the adjournment of the House to censure the Government policy regarding the treatment of the accused which resulted in the death of Mr. Jatin Das and endangered the life of others. Pandit Motilal Nehru accused the Government of inhumanity, and said he was reminded of the case of Nero fiddling while Rome was burning. The Government issued communiques and wrote circular letters while the high-souled men were lingering between life and death. The censure motion was carried.]



PART FOUR

# SWARAJ PARTY





## Council Entry\*

*Text of the Swaraj Party manifesto issued from Allahabad on 14th October, 1923, over the signature of Pandit Motilal Nehru.*

The principle and policy to be followed by the Swaraj Party on its entry into the Legislative Assembly and the Provincial Councils have been sufficiently indicated in the programme of the

\* After the arrest and incarceration of the top leadership of the national movement, including the great wave of repression all over the country which led to the imprisonment of over seventy thousand people, the enthusiasm of the first non-co-operation movement (1920-22) began to show signs of distinct slackening. The All India Congress Committee, therefore, decided to appoint a committee to conduct a nationwide enquiry on the state of opinion in the country and to suggest ways and means of reviving the movement. This body, known as the Civil Disobedience Enquiry Committee, toured throughout India and conducted a comprehensive enquiry. Their report, however, was not unanimous. The main difference was not, however, in respect of the effectiveness of the Civil Disobedience movement but on the question of the desirability of boycotting the Legislatures established in India under the Montagu-Chelmsford Reforms. Pandit Motilal Nehru, Vithalbhai Patel and Hakim Ajmal Khan were in favour of contesting the elections and carrying on the fight for freedom from within the Councils, while the other three members of the Committee consisting of C. Rajagopalachariar, Dr. M. A. Ansari and Kasturi Ranga Aiyengar declared themselves against such a revision of the programme. At the annual session of the Congress at Gaya, over which Deshbandhu C. R. Das presided, the Congress organisation split into two on the question but the organisation itself did not break up as a formula was devised under which the revisionists were enabled to continue in the Congress. As the differences, however, continued to grow and were generally weakening the national movement especially after the Pro-changers had, under the leadership of Deshbandhu Das, established what was known as the Congress-Khilafat-Swaraj Party, a further effort was made at the Special Congress which met in Delhi in September, 1923, under the Presidentship of Maulana Abul Kalam Azad, to arrange a compromise. The compromise hammered out at the Delhi Congress was embodied in a Resolution which permitted those who had no conscientious objection to take part in elections to the Provincial and Central legislatures. After thus securing at least the passive recognition of the Congress, the new Party, now known as the Swarajists, placed before the country a comprehensive programme the main points of which are given in footnote 1.

Party<sup>1</sup> published in February last. It is necessary to explain certain points and deal with certain aspects which the events of the last eight months have brought into prominence.

It will be convenient at the outset to make the position of the Swaraj Party in relation to the Indian National Congress perfectly clear. It was declared at the earliest possible opportunity that it was a Party within the Congress and as such an integral part of the Congress. It is not and was never intended to be a rival organisation and its promoters have always kept in view the essential principles of non-violent non-co-operation as they understand them. This position has now been made clear by the resolution of the recent Special Session of the Congress which, while affirming these essential principles, affords full opportunity of service to Congressmen who believe in carrying the good fight into the enemy's camp by entering the Councils. It was our earnest desire to arrive at a settlement which would render it unnecessary to continue the separate organisation of the Party by incorporating it into the Congress as one of its

<sup>1</sup> I The goal of the Party is the attainment of Swarajya.

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III The immediate objective of the Party is the speedy attainment of full Dominion status, that is, the securing of the right to frame a Constitution adopting such machinery and system as are most suited to the conditions of the country and to the genius of the people.

IV The Party will formulate a definite programme of organising and instructing the electors of the Legislatures in the country.

V The Party will set up national candidates throughout the country to contest and secure the seats in the Legislative Councils and Assembly at the forthcoming general elections on the following basis :

- (a) They will, when they are elected, present on behalf of the country its legitimate demands as formulated by the Party, as soon as the elections are over and ask for their acceptance and fulfilment within a reasonable time, by the Government.
- (b) If the demands are not granted to the satisfaction of the Party, occasion will then arise for the elected members belonging to the Party to adopt a policy of uniform, continuous and consistent obstruction within the Councils with a view to make Government through the Councils impossible but before adopting such a policy the representatives of the Party in the Council will, if necessary, strengthen themselves by obtaining an express mandate of the electorates in this behalf.
- (c) Detailed instructions in this behalf will be given by the Party after the elections are over.
- (d) In no case will any member of the Party accept office.



various departments and subjecting it to the control of the general Congress Executive. But this desire could not be fulfilled in view of the terms of the compromise finally agreed upon and confirmed by the Special Session. It is obviously impossible to carry out the object in view without an effective organisation to control the proceedings of Congressmen who go into the Councils. The Swarajya Party must therefore continue to function as was clearly understood throughout the negotiations which ended so happily in the compromise adopted by the Congress. It need hardly be pointed out that the only right course open to non-co-operators who have so far opposed Council entry and now desire to avail of the permission accorded by the Congress is to join the Swarajya Party and subject themselves to its discipline. Any other course would not only be inconsistent with the spirit of the compromise but would defeat the very object with which it was sanctioned by the Congress. It is the first and the foremost duty of the Swarajya Party to guard the honour and prestige of the Congress in and out of the Councils and it cannot approve the conduct of those non-co-operating Congressmen who did not favour Council entry before the resolution of the Delhi Special Congress and are now setting themselves up as independent candidates without agreeing to submit to any discipline. Such conduct can only bring discredit on the Congress, and the so-called independents cannot but be treated by the Party as outsiders. What they are doing is in effect counter propaganda against the party which is the very thing the Congress resolution was intended to avoid. It is hoped that they will receive no countenance from the Working Committee of the Congress.

The Swarajya Party believes that the guiding motive of the British in governing India is to serve the selfish interests of their own country and that the so-called Reforms are a mere blind to further the said interests under the pretence of granting responsible government to India, the real object being to continue the exploitation of the unlimited resources of the country by keeping Indians permanently in a subservient position to Britain and denying them at home and abroad the most elementary rights of citizenship. It is daily becoming abundantly clear that the British, while professing equality of treatment, are in practice subjecting the whole Indian nation to humiliation and insult in all parts of the world where British influence is supreme. The Party notes with pride and satisfaction that

the people of India are resolved to submit no longer to the national humiliation imposed upon them by the autocratic will of their British rulers and in full concurrence with the Congress expresses its emphatic opinion that Indians have no option but to continue to carry on a policy of progressive non-violent non-co-operation with the present system of Government until it is radically changed in accordance with the will of the people expressed through their chosen representatives.

Whilst the Swarajya Party is convinced that it is absolutely necessary to keep in view the various stages of non-co-operation and believes that by entering into the Legislative bodies it will materially help the general campaign of non-co-operation, it realises at the same time that there are true nationalists in the country who, without agreeing with the principles of non-co-operation, are in sympathy with the Party programme so far as it relates to Councils. With such nationalists the Party has no quarrel. It is open to them if they sign the Congress creed to join the Council section of the Party without identifying themselves with the activities of non-co-operators outside the Councils by giving the requisite undertaking required by the Party from all its members who stand for election. A country engaged in freedom's battle must mobilize all available forces and a national soldier fit to serve in the National Army need not be discarded simply because he is unfit or unwilling to serve in the National Navy and Air Force as well. He must, however, submit himself to the discipline of the particular department of the national organisation which he elects to enter. It will be observed that the words used in Article V of the Programme of the Party are "Nationalist candidates" and not "Party members as candidates". Any nationalist who subscribes to the creed of the Congress and to the Council policy of the Party can therefore be set up by the Party as its candidate and will not thereby become a member of the Party for any other purpose. He will however be bound by all the rules which may be framed by the Party to regulate the conduct of Party members of the Council. Some Party mis-apprehension exists in the public mind as to the exact nature of the Congress creed which an intending candidate who is not already a member of the Congress is expected to sign. It is nothing more than "the attainment of Swarajya by the people of India by all legitimate and peaceful means" and has no reference whatever to non-co-operation which the Congress has



adopted by resolutions passed at its periodical and special sessions, such resolutions being no part of the Creed.

In the published programme the immediate objective of the Party is stated to be "the speedy attainment of full Dominion status" which is explained to mean "the right to frame a constitution adopting such machinery and system as are most suited to the conditions of the country and the genius of the people". It is essential for the self-realization of a people to be free to exercise their natural and inherent right to determine and adopt a system of Government most suited to their civilization and their cherished traditions. When such a system has been fully evolved it cannot be very different from the Swarajya which is the ultimate goal of nationalist India. The immediate objective of the Party must necessarily be something falling short of complete Swarajya and it is therefore referred to in the programme as the securing of the "right to frame a constitution" as distinguished from the "fully evolved constitution" itself. The words "Dominion status" are used in their well understood technical sense to convey a definite idea of the nature of the constitution to the minds of English statesmen and jurists and are not intended to mean any special form of Government established in any particular dominion. It is evident that before the old order of things can give place to the new the authors of the new order must have an effective control of the old. In other words, as a necessary preliminary to the right to frame their own constitution of Swarajya the people of India must obtain an effective control of the existing machinery and system of Government. To remove all doubt and speculation in the matter the Swarajya Party therefore declares that it will contest the forthcoming elections on the broad basis of the incontestable right of the people to secure such effective control. It will not concern itself with trivial reforms in the various departments of the administration to be obtained by the grace of the Government but will insist on a transference of the power to effect the necessary reforms from the bureaucracy to the people themselves. Long lists of grievances have been set forth in the election manifestoes of certain parties and individuals, but the means suggested for their redress have no fascination either for the Swarajya Party or, as it firmly believes, for the people of India. The Swarajya Party will not lay itself out to secure famine ration for the politically famished people of India but will devote all its energy to provide them with

a feast of substantial rights of citizenship which is their due. On questions like the salt tax, certification and the Kenya betrayal, the Party has no faith in halting measures of the nature suggested in certain quarters but believes in the complete eradication of a system which makes such atrocities possible, as the only remedy. Under existing conditions the Party considers it an abuse of the suffrage of an Indian electorate on the part of its representatives to engage in such questions as the readjustment of the powers and duties of the Secretary of State, the Government of India, the Provincial Governments, and various other officials. The Swarajya Party maintains that the powers those functionaries exercise vest in the people by right and can only be properly exercised by their representatives.

The demand to be made by the members of the Party on entering the Legislative Assembly will therefore in effect be that the right of the people of India to control the existing machinery and system of Government shall forthwith be conceded and given effect to by the British Government and the British Parliament. It is no answer to this demand to say that the Government of India has no power under the Act to entertain it. We know it has not and we do not ask it to find some power within the four corners of the Act to deal with it. It has indeed nothing whatever to do with the forms prescribed for resolutions, or other motions or with the Act itself. We take the position of the Government of India to be precisely what the late Lord Morley said, *viz.*, it was that of an agent of the British Cabinet. The demand will be addressed to the principal through the accredited agent as soon as practicable after the results of the elections are declared and before the Legislative session begins, in such manner and form as the elected members of the Party may determine. It will in its nature be an offer of certain terms which it will be for the agent to accept or refuse on behalf of the principal or take such other action thereon as he may be advised.

The attitude of the elected members of the Party in the Assembly and the Councils will depend on the action taken by the Government on the demand formulated by them on the lines indicated above. If the right itself is conceded it will be a matter for negotiation between the Government and the Nationalist members in the Assembly as to the manner in which the right is to be given effect to. But in the event of the Government refusing to entertain the said



demand or, after agreeing to do so, offering terms which are not acceptable, it shall be the duty of the members of the Party elected to the Assembly and the Provincial Councils, if they constitute a majority, to resort, in the words of the Party Programme, to a policy of "uniform, continuous and consistent obstruction with a view to make Government through the Assembly and Councils impossible." The objection that the Government will not have sufficient time between the date on which demand is made and the opening session of the legislature to consider it is met by the publication of this manifesto which indicates clearly the essential features of the demand and copies of which are being forwarded to the India Office and the Government of India. There is ample time between now and January 1924 for the Government to be prepared to make up its mind at least as to whether it will dismiss the demand summarily or try to arrive at a settlement. In the former case the course to be adopted by the Party members of the Assembly and the Councils has been clearly indicated above. In the latter it will be easy to arrange the terms and conditions on which the negotiations are to proceed.

The Swarajya Party desires to make it quite clear to the other political parties in the country and the people at large that it is pledged to obstruction against the Government and not against any other party in the Legislature. It will not be inconsistent with its principles to support a non-official measure introduced by any other party or group of members if such measure is opposed by the Government. It shall also be always open to members of the Party to accept on such terms and conditions as are likely to promote the general policy of the Party, a *bona fide* invitation from any other party or group of members of the Legislature to join the latter for the purpose of defeating the Government on any non-official measure opposed by the Government, or on an official measure opposed by the inviting party or group of members. In the event of the members of the Swarajya Party being in a minority they will accept such invitation only when they form a majority of the Legislature concerned along with the inviting party or group of members. The Swarajya Party expects all other parties and elected Indian members in the Assembly or the Councils to support it wholeheartedly in the initial demand set out above and to that end invites their assistance and cooperation in formulating and

presenting it. It is impossible to conceive that there can be any serious differences between true nationalists to whichever party they may belong as to the general attitude they ought to take in the Assembly and the Council towards a system of Government which stands wholly discredited in the eyes of all classes of Indians.

The agriculturist of India needs assurance of the unswerving loyalty of the Swarajya Party to his cause. He is the backbone of the country and the mainstay of the whole Congress movement. It has now been fully demonstrated that he believes in the Congress and the Congress believes in him. The Swarajya Party would miserably fail in its primary duty if it did not make the betterment of his deplorable condition its first and foremost concern. It is a happy sign of the times that he is fully convinced that his salvation does not lie in the temporary benefits which a "benign" Government is likely to confer or well-meaning friends are expected to gain. He believes in Swarajya as the only remedy for his many ills and knows that his party is the party which strives for nothing short of Swarajya. The case with the landowning classes is however different and it has to be noted with regret that the tongue of slander has of late been more than usually busy to estrange them from the Swarajya Party. All sorts of fanciful stories are being circulated to the prejudice of the Party. The Swarajya which the Party aims at is represented as something which has no place whatever for this ancient order the members of which have in the past furnished many a brilliant chapter to the history of the country, and even in these degenerate days have a number of ardent nationalists among them. The Party can only appeal to these latter to set at rest the doubts and misgivings of their less enlightened brethren by explaining to them the obvious fact that those who desire to help in the building up of Swarajya cannot possibly dream of such madness as to undermine the very foundations of society as it has existed for hundreds of years in India by trying to eliminate an important and influential class from it. True it is that the Party stands for justice to the tenant but poor indeed will be the quality of that justice if it involves any injustice to the landlord. The Party believes that it is only by serving the true interests of both that it can find a solid base for Swarajya and is pledged to stand by the one as firmly as by the other in its hour of need. It welcomes nationalist Zemindars who intend contesting the elections as comrades in aims if they will only agree to avail



of the many opportunities for co-operation with the Party which they are bound to have within the limitations of their well-known disabilities. As has already been stated, the Swarajya section of the Party is open to all who will satisfy the very simple conditions to which no true nationalist can have any possible objection. For reactionaries, whether they are Zemindars or others, the Party has no sympathy whatever.

There are certain other points which have formed the subject of enquiry but it is obviously impossible to go into further details in this manifesto. Much will depend upon the circumstances which will arise after the elections are over. It will then be for the elected members to decide what course to adopt keeping in view the principles of non-violent non-co-operation. The Party hopes and trusts that its Members will be resourceful enough to meet all eventualities.

These are the broad lines of work which the Party has laid out for itself. How far it will meet with success depends on the support it receives from the public in general and the electorates in particular. As is well known, it starts on the campaign with a heavy handicap. Many of its best men have been disqualified by the Government from voting or standing for election for no other crime than the love of their country. Crippled as it has thus become, it has only had a free hand in the matter of the forthcoming elections since the last Special Session of the Congress. Many other influences have been at work against it which it is needless to enter into as the Party knows no going back when it has once entered the field and will fight to the last man if the country will accept its services. It does not admit that any of its members has really lost the privilege of seeking suffrage of his countrymen and will set up some of them as its candidates in spite of the disqualification unjustly imposed upon them. By doing so the Party offers the Government an opportunity to remove those disqualifications and make the elections a fair test of the real feeling in the country. But if the Government, which boasts of having conceded a substantial measure of responsible Government to the people of India, cannot have the courage to admit men of tried merit and undoubted patriotism into the Legislatures of the country, it stands self-condemned. The Party fully trusts that the people will stand by it in electing its candidates and thereby helping to expose the fraud practised during the last three years in their names.

## Political Outlook

*Speech delivered at a public meeting in Bombay on 18th April, 1924, regarding the work done by the Nationalist Party [Coalition of the Swarajists and the Independents] in the Legislative Assembly. [Extracts]*

A national demand in complete accordance with the Swarajist programme was formulated and presented by way of an amendment to a resolution asking for the establishment of full responsible Government of India.<sup>1</sup> That amendment was carried by the overwhelming majority of 76 to 48. We then waited for the response. It came at last but turned out to be highly unsatisfactory. All was now ready for the first attack, and it was delivered when the first four demands for grants came up for discussion. These, as you know, were rejected one after the other.<sup>2</sup> They related to Customs, Income tax, Salt and Opium. The money demanded was to run these departments which raised revenue on these heads. The meaning of the refusal to grant money to run these departments, was that there would be no agency to release the revenue, and when it is borne in mind that it is the revenue from these four sources which supplied the sinews of war to the Government of India, it will be easily understood that the vote of the Assembly was tantamount to paralysing the Government of India. That would of course be so, only if the Government of India were bound by the vote of the Assembly, which is not the case in this country.<sup>3</sup> The actual result therefore was simply this. From the Swarajist point of view, the Government was driven to carry on by the exercise of its autocratic powers, and not by the vote of the Assembly, and

<sup>1</sup> Refers to the amendment moved by Pandit Motilal Neairu to the Resolution of Diwan Bahadur T. Rangachariar in the Legislative Assembly on 8th February, 1924. The amendment *inter-alia*, asked for the summoning of a round table conference to recommend the scheme of a constitution for India. The amendment was adopted by the Assembly on 18th February, 1924.

—For details, see pp. 101-26, *supra*.

<sup>2</sup> For details, see pp. 129-41, *supra*.

<sup>3</sup> Otherwise because of the power of certification of the Governor-General in Council.



from the point of view of other nationalists, it was the most emphatic protest that could be lodged against the action of the Government. Both objects were thus fully achieved. Under the rules governing free representative institutions if applicable to this country the Government would have lain prostrate at the feet of the Assembly. It was saved only by its autocratic powers.

Now, I come to the second stage, which has been characterised as showing a great weakness on our part; I mean the attitude we took in relation to the remaining demands for grants. It was, of course, open to us to refuse them as we had done in the first four, but we adopted a more chivalrous course. All the remaining grants put together could not suffice to run any considerable part of the machinery of the administration, civil or military. The refusal of these grants would therefore have amounted to a mutilation of the prostrate form which lay before us without materially improving the position. We refrained from this process of mutilation and allowed our soldiers to play a more innocent game. Some of them were anxious to show their capacity for dealing with the merits of the demands, and we allowed them to have their own way. Then came the final act in this drama or tragedy, whatever you may call it, I mean the Finance Bill.<sup>4</sup> At the call of the whips the soldiers rallied fresh and strong and fell into line again for the final attack which, however, was not delivered till every precaution had been taken to cover a possible retreat in the event of some unexpected mishap. This was done by putting in a number of amendments reducing the various new taxes proposed in the Bill, while the main attack was to be directed against the Bill itself as a whole. The discussion of the amendments on the previous evening at our Party meeting put our friends of the Press off the scent, and they flashed messages across the country and the seas, informing the world that the Swarajists' attack on the Finance Bill was to take the form of amendments to clauses. Many of the Swarajists themselves were unaware that the main attack was to be delivered against the Bill itself. They were made to march as it were under sealed orders. Early next morning at 6 o'clock Pandit Madan Mohan Malaviya informed me of the readiness of the Non-Swaraj group of the Nationalist Party to take part in the main attack. Nothing could better please the Swarajists who were spoiling for a big fight.

<sup>4</sup> See pp. 142-53, *supra*.

The rally was sounded, and the Swarajists and non-Swarajists cheerfully answered. Pandit Madan Mohan Malaviya led the attack by opposing the introduction of the Finance Bill. He dealt with the subject thoroughly and with his usual eloquence. Sir Malcolm Hailey then made a feeble stand against Malaviyaji's condemnation of the Government. This was followed by a short speech from me, and the next moment the Bill was thrown out by a majority. Thus ended the budget discussion but not the Finance Bill; for it came back the next day with a recommendation from the Viceroy to pass it with certain modifications. This was in effect a command which the Assembly was called upon to obey with a loaded pistol pointed at its head. The Government had taken steps to fill vacancies among its supporters and we had the pleasure of seeing a "vice-Roy" in the Assembly Chamber, I mean the gentleman who was appointed in place of Mr. K. C. Roy absent on deputation to England.<sup>5</sup> When and how Mr. Roy resigned his seat, whether by wire from Bombay or by wireless from mid-ocean, was not explained. These expedients, however, did not succeed. A faint murmur of "Aye" was heard from the Treasury Benches followed by the roar of 'Noes' from various other parts of the Assembly Chamber and the Finance Bill was finally laid to rest so far as the Assembly was concerned.

There are two charges laid at our door by Moderates. The first is, that it is suicidal folly to estrange "friends of India in England". There are in England, I admit, both true and false friends of India. I am only concerned with the former, and I can assure you that there is not one among them who would be estranged from us by our standing upon our rights and trying our utmost to shake off the chains that bind us. The second charge is that we have not given the Labour Government a chance. I deny this charge also. Those who make it do not know what they are talking about. You may take it from me that the Labour Government's only chance lies in our standing upright. We cannot possibly strengthen them by lying low. There is only one word in the English vocabulary for a man who can hit back but does not do so. That is a word of six letters beginning with C and ending with D. I leave it to you to find out that word. I have faith in the Labour Party, but I have no

<sup>5</sup> Rai Bahadur Jagat Narain was appointed in place of Mr. K. C. Roy, who had resigned.

—For details, see pp. 155-6, *supra*.



faith in a Labour Government. As has been pointed out, Labour is only in office and not in power. It has to speak at one time with the voice of the Tory and at another with the voice of the Liberal, whichever Party it wishes to be supported by. We have heard Mr. MacDonald's threat to us when he was about to enter Office.<sup>6</sup> He said that the Labour Government would not be cowed down by the Swarajists. In that threat I don't hear the voice of Mr. MacDonald the Leader of the Labour Party. It is clearly that of a Tory with but a faint note of Liberalism in it. Where I can easily recognise the Labour Leader is in the letter which he wrote in April 1918:

“Whatever form the Government machinery might take, two things must be granted. In the first place the Viceroy's Council must be of the nature of a cabinet and must be responsible to the representative authorities. In the second place India must have control over her own finances. I hope that broadminded wisdom is to assist both of us to arrive at a happy conclusion”.

I can only repeat the hope which I expressed in the Assembly that this broadminded wisdom would be brought to bear upon the demand presented by us. As to our action meanwhile, in the words of Abraham Lincoln, I say: “With malice towards none, with charity for all, with firmness in the right as God gives us to see the right, we strive on to finish the work we are in.” I cannot believe that Labour has gone back upon its principles so soon after entering upon office. The real mind of Labour is not to be gathered from official pronouncements of members of the Cabinet, but from the accredited organs of the party. The *Daily Herald* and the *New*

<sup>6</sup> Mr. Ramsay MacDonald, on 21st January, 1924, on the eve of his taking office as the Labour Prime Minister, sent a message to India which was delivered to St. Nihal Singh. The Premier, while referring to the movement for responsible government said :

“I can see no hope in India if it becomes the arena of a struggle between constitutionalism and revolution. No party in Great Britain will be cowed by threats of force or by policies designed to bring Government to a standstill, and if any section in India is under the delusion that that is not so, events will very sadly disappoint them. I would urge upon all the best friends of India to come nearer to us rather than to stand apart from us, to get at our reason and our goodwill.”

*Leader* have both supported our claim to the full. If we wish to profit by their support, we can only deserve it by behaving like men.

We have done little. But what is that little? On this solemn occasion of the anniversary of the Jallianwalla, I put it to you in all humility, whether we have not created a crisis such as the Government has never been confronted with before. We have not shed a drop of blood. We have not crawled on our bellies. We have stood erect as men in asserting our birthright. We have made a brave show of khadder in the citadel of the bureaucracy. We have planted the National flag in the heart of the Council Chamber. We have driven the Government to cast off its mask of governing through the representatives of the people, and have compelled it to carry on the administration by its own autocratic powers.



## Constructive Programme\*

*Text of the statement issued by Deshbandhu C. R. Das and Pandit Motilal Nehru on 22nd May, 1924, on behalf of the Swarajists concerning the Council entry. The statement was in reply to Gandhiji's article on the subject.*

We are obliged to Mahatma Gandhi for the trouble he has taken to discuss with us the various points involved in the question of Council entry and are indebted to his courtesy for the opportunity we have had of seeing an advance copy of the statement he has issued to the press. The views expressed by him in the course of conversation and those embodied in the press statement have all been considered by us with care and attention due to his great personality, but with all the reverence we entertain for him and his opinions, we remain unconvinced by his reasoning.

We regret we have not been able to convince Mahatma Gandhi of the soundness of the Swarajist position regarding Council entry. We fail to understand how such entry can be regarded as inconsistent with the doctrine of the non-co-operation resolution of the Nagpur Congress.

But if non-co-operation is more a matter of mental attitude than of the application of a living principle to the existing facts of our national life with special reference to the varying attitudes of the bureaucratic Government which rules that life, we conceive it to be our duty to sacrifice even non-co-operation to serve the real interests of the country.

In our view this principle includes self-reliance in all activities which make for the healthy growth of the nation and resistance

\* On 22nd May, 1924, after the Juhu talks between Mahatma Gandhi on the one hand and Deshbandhu C. R. Das and Pandit Motilal Nehru on the other, two statements were issued to the public on the question of Council entry by Congressmen. The two statements set forth very clearly the position of the two parties. Mahatma Gandhi, though having full faith in the Non-co-operation movement, accepted the Delhi-Cocanada compromise and desired that the country should give a free hand to the Swarajists without proceeding to any futile discussion about the merits of the two different views.

to the bureaucracy as it impedes our progress towards Swaraj. We are, however, anxious to end this fruitless verbal discussion making it clear, however, that Council entry is and can be thoroughly consistent with the principle of non-co-operation as we understand that principle to be.

We desire further to make it clear that we have not used in our programme the word 'obstruction' in the technical sense of English Parliamentary history. Obstruction in that sense is impossible in subordinate and limited legislative bodies, such as the Legislative Assembly and Provincial Legislatures under the Reforms Act undoubtedly are. Possibly another word should have been found to convey our meaning. We may state, however, that our position is really not so much of obstruction in the Parliamentary sense as that of resistance to the obstruction placed in our path to Swaraj by the bureaucratic Government. It is this resistance which we meant to imply when we used the word obstruction. This was clearly indicated in the way we defined and described non-co-operation in the preamble to the constitution of the Swaraj party. It is the removal of such bureaucratic obstruction which we feel we must emphasise. This is the policy which we have hitherto followed in the Legislative bodies and it is this policy which must in future be more and more effectively directed to the varying needs and problems of our national life.

Here again we are anxious to end all verbal discussion as to whether this can be aptly described as a policy of "uniform, continuous and consistent obstruction." We are content to detail our policy and then leave it to our friends to give it a more appropriate name, should they so desire.

In the light of this principle and policy we would here state our future programme of action within and outside the Legislative bodies.

Within the Legislative bodies we must continue:

(1) To throw out budgets unless and until the system of Government is altered in recognition of our rights or as a matter of settlement between the Parliament and the people of this country. In justification of this step all that we need point out are a few salient facts connected with the Budget in the Central Government, which are more or less true of provincial budgets also. Out of a total of 131 crores (excluding Railways) only 16 crores are votable. Further,



out of the non-votable amount, as much as 67 crores, *i.e.* more than half the amount of the budget, is for military expenditure. It is thus clear that the people of this country have a right to vote only on less than one-eighth of the total amount of the Budget, and even the exercise of this limited right is subject to the power of restoration in the Governor-General.<sup>1</sup> It is, therefore, clear that the people have neither any voice in the framing of the Budget nor any control over those who frame it. They have no power either over the raising of the revenue or its expenditure. On what principle then, may we ask, is it our duty to pass such a budget and take the responsibility of being a party to it? We have no doubt the support of many self-respecting men in the country in holding, as we do, that it is our clear duty to throw out such budget in all legislative bodies, unless and until this vicious system is changed.

(2) To throw out all proposals for legislative enactments by which the bureaucracy proposes to consolidate its power. It is conceivable that some good may incidentally result from a few of such measures; but we are clearly of opinion that in the larger interests of the country it is better to temporarily sacrifice such little benefits rather than add an iota to the powers of the bureaucracy which are already irresistible.

(3) To introduce all resolutions, measures and bills which are necessary for the healthy growth of our national life and the consequent displacement of the bureaucracy. We heartily accept the suggestion made by Mahatma Gandhi in his statement and we think that the resolutions mentioned by him in support of the constructive programme of the Congress<sup>2</sup> should certainly be accepted by the Swaraj party. The principle of self-reliance and resistance to the bureaucratic obstruction, upon which we have hitherto acted, calls for their adoption, and if the constructive work of the Congress comes within the principle of non-co-operation no less do these

<sup>1</sup> Section 67-A of the Government of India Act empowered the Governor-General in Council to restore cuts if that course was considered necessary.

<sup>2</sup> To endeavour to give strength to the constructive programme of the Congress, Mahatma Gandhi desired in his statement, the adoption of the following resolutions by the Central and Provincial Governments, as the case may be :

- (1) to make all their cloth purchases in handspun and hand-woven Khadder;
- (2) to impose a prohibitive duty on foreign cloth; and
- (3) to abolish the drink and the drug revenue and at least correspondingly the army expenditure.

resolutions although they represent constructive activity within the Legislative bodies.

(4) To follow a definite economic policy based on the same principle to prevent the drain of public wealth from India by checking all activities leading to exploitation.

To make this policy effective we should take and occupy every place which is open to the members of the Central and Provincial Legislatures by election. In our opinion we should not only fill elective posts, but serve on every committee when it is possible to invite the attention of the members of our party to this important question and we call upon them to decide this matter as soon as possible.

Our policy outside the Legislative bodies should be as follows:

In the first place, we should give our wholehearted support to the constructive programme of Mahatma Gandhi and work that programme unitedly through the Congress organisations. We are decidedly of opinion that our Council work must necessarily lose much of its strength without the backing of the outside constructive work; for it is not inside but outside the legislatures that we must look for the sanction without which the effective carrying out of our Council policy is impossible. Indeed in the matter of constructive work, the mutual support of both inside and outside activity must in our opinion give strength to the very sanction upon which we rely. In this connection we unhesitatingly accept the suggestion of Mahatma Gandhi regarding Civil Disobedience. We can assure him that the moment we find that it is impossible to meet the selfish obstinacy of the bureaucracy without Civil Disobedience we will retire from the Legislative bodies and help him to prepare the country for such Civil Disobedience if by that time the country has not already become prepared, and we will then unreservedly place ourselves under his guidance and work through the Congress organisation under his banner in order that we may unitedly work out a substantial programme of Civil Disobedience.

In the second place, we must supplement the work of the Congress by helping labour and peasant organisations throughout the country. The problem of labour is always a difficult problem to solve in every country but in India the difficulties are greater.



On the one hand we must find out a way of organisation by which we can prevent exploitation of labour by capitalists or by landlords, but on the other hand we must be on our guard to see that those very organisations may not themselves be the source of oppression by nursing extravagant and unreasonable demands. Labour undoubtedly requires protection but so do industrial enterprises. Our organisation must protect both from exploitation and the Trade Union Congress must be so organised as to be able to serve this useful purpose. We hold that in the long run the real interests of both and the country at large are identical.

We feel happy that we have had this opportunity of putting our views before the country side by side with Mahatma Gandhi's opinion, for we feel certain that the perusal will make it obvious, that notwithstanding some differences of view there is an abiding and fundamental unity amongst both parties of the Indian National Congress. Both parties feel the necessity of working the constructive programme whether within or outside the Legislative bodies. In this direction, we feel confident, lies the germ of a fruitful alliance between Mahatma Gandhi and the Swaraj Party. Our joint effort in the same or different directions will furnish a fitting answer to the bureaucracy unwilling to recognise the rights and liberty of the Indian people, and we emphatically assert that in our determination to work with the same object in the same or different spheres is expressed the determination of the Indian Nation to bring the struggle for Swaraj to a successful issue.





PART FIVE

# PUBLIC SPEECH





## Punjab Tragedy\*

*Extracts from the speech delivered at a public meeting  
in Allahabad on the 17th September, 1919, at the time  
of Jallianwalla Bagh Tragedy*

I will take the question about the place called Jallianwalla Bāgh.<sup>1</sup> The 13th of April was the day of a great festival called the *Vaisakhi* when a great annual fair is held in Amritsar and people flock there from all parts of the Punjab. Twenty thousand people—I take only the Government estimate—and among them children and boys, all clad in holiday attire and wholly unarmed were assembled there on that fateful afternoon. I do not pause to discuss whether there was or was not a duly promulgated order prohibiting the meeting. Granting that there was, the question is whether the people knew of the prohibition or not. Before taking the extreme step of firing at them did any one tell them to disperse? Was sufficient time given to them to disperse? These are questions which are to be gone into and will be gone into at some place or another. What happened was that this assembly was dispersed, as they call it in official language, by musketry. I happen to know a great many things about it, but I do not think it prudent to tell you all about it just yet but I wish you only to take the fact that

\* Referring to certain incidents which had happened in the Punjab, Pandit Motilal Nehru said : “We have in the near and remote past raised our voice against the legislative, administrative and other measures of the Government which we considered prejudicial to our interest. We have frequently met here to claim responsible Government and the right of self-determination which we consider as our birthright. We have often assembled here to denounce the Black Act. . . In a word, we have met here often and often to ventilate many grievances, big and small, but never have we been brought face to face with a question of such tremendous gravity and magnitude as the one we have to consider this afternoon. It is a question which directly relates to certain incidents which have recently happened in the Punjab and certain contemplated legislation which is to be undertaken in regard to those occurrences.”

<sup>1</sup> Jallianwalla Bagh is not a *bagh* actually but is called so by a courtesy. It is only an open space enclosed on all sides by buildings in the heart of Amritsar and is a very convenient place for the people to meet at a moment's notice.

these people were fired upon. The Government report was that casualties were heavy.<sup>2</sup>

Now the question was whether there were any ambulance or first aid arrangements previously made by the authorities for the wounded on the spot, and if not, were any steps taken after the firing for the disposal of dead bodies, and for the treatment of the wounded. Well, gentlemen, you shall have my answer. Those of the wounded and dead that could be removed before 8 o'clock by their relations, friends, or members of the *Seva Samiti*, were removed that night. But their number was so large, that even half of them could not be removed before 8 o'clock. Remember 8 o'clock was the curfew hour. No man for any reason whatever, was to be seen outside his house after that hour. The people being thus forcibly shut up in their houses and unable to attend on their wounded or remove their dead, one would expect that the Government took some measures on behalf of the people. But nothing of the kind happened. You may take it from me that no doctor, no policemen, not even a municipal sweeper, visited the place that night or the next day. The wounded of the afternoon were only relieved by death during the night and were removed the next morning by the *Seva Samiti*.

Gentlemen, the Government of India and the Executive are already in as secure a position as they might well be, but they are trying to make it doubly secure by introducing what is called an Indemnity Bill. I am fully aware, and I wish you also to know, that every declaration of Martial Law in every country has so far been followed by the passing of an Indemnity Act. It is in the nature of things that officers who had done things under the stress of necessity, for instance, under the stress of a foreign invasion, should be indemnified, if they have gone beyond the strict legal limits. But the usual objects of an Indemnity Bill are far different from that of this present Bill. Gentlemen, the constitution of England does not, under any circumstances, permit the invasion of individual rights. In case of necessity, in case of a foreign invasion, it often happens that in order to save the country it becomes necessary to invade the rights of individuals. No one can deny, no reasonable person shall say that under those circumstances an Indemnity Act is not the

<sup>2</sup> In answer to a Question of Pandit Madan Mohan Malaviya in the Imperial Legislative Council, the official number given of the killed in Amritsar, including those killed in the Jallianwalla Bagh, was 301.



proper thing to pass. But those are cases where the necessity for martial law is well established. Those are cases where the fact that private rights have been encroached upon is admitted—they were encroached upon because there was no other alternative to save either the country or the people. Here we have an admission on the part of the Government itself that the necessity of every action that they have taken in the Punjab has to be enquired into. They have themselves appointed a Committee,<sup>3</sup> however unsatisfactory it may be. There is the point conceded, that it is a case for enquiry and it is not a case which you can take as an established thing.

We have a very conscientious, a very just provision:

“It is expedient to indemnify officers of Government and other persons in respect of acts, matters and things ordered or done, or purporting to have been ordered or done for the purpose of maintaining or restoring order, provided that such acts, matters or things were ordered or done in good faith and in a reasonable belief that they were necessary for the said purpose.”

Now, gentlemen; no one in his senses can take any exception whatever to this but see how it has been frittered away later on. If any act has been done by an officer of Government in good faith or in a reasonable belief that it was necessary there is an end of the matter. Nobody can find fault with it. Let us see what becomes of the good faith and reasonable belief when we come to Section 3 which says:

“For the purposes of Section 2, a certificate of a Secretary to Government that any act was done under the orders of any officers of Government shall be conclusive proof thereof and all actions taken for the aforesaid purposes shall be deemed to have been taken in good faith and in a reasonable belief that they were necessary therefore unless the contrary is proved.”

Gentlemen, I have not examined all the Indemnity Acts that have been passed from time to time, but I have examined a good number of them in this connection, and I did not find any such provision in any of them. True it is that they indemnify persons for all *bona fide* acts and acts done in a reasonable belief that they were necessary although the Judges may come to a different conclusion. If they

<sup>3</sup> Refers to Hunter's Committee. For details, see footnote 14, I, *supra*.

did act in a reasonable belief that they were necessary, certainly the protection of the law should be extended to them. But for whom is it to prove that the acts were done in good faith or in a reasonable belief that they were necessary? Surely for the party who claims an exclusive privilege. The next point to note is that the indemnity has been extended to acts which were done on or after 30th of March. It is explained in the statement of Objects and Reasons that the object of passing this Bill is to indemnify officers of Government and others for acts done *bona fide* in the course of martial law. But martial law was proclaimed on the night between 14th and 15th April, and the Bill seeks to indemnify all acts done on or after the 30th March. What is the reason for this? Is it intended to cover those unfortunate occurrences at Delhi which happened on 30th March?<sup>4</sup> But Delhi is a place where martial law was never promulgated. Whatever the significance of making the 30th March the starting point may be, it is wholly unjustifiable.

There is another point of great importance. It is laid down here that the persons who have been sentenced by summary courts shall continue liable to confinement until the expiration of such sentence or until released by the Governor-General in Council or otherwise discharged by lawful authority. Now, gentlemen, most of you must have read the exposure of these courts, made by our friend, Syed Hasan Imam.<sup>5</sup> He has shown that these courts of area officers had absolutely no jurisdiction and that every Judge, every Magistrate and every officer who has passed any sentence of imprisonment or fine is either guilty of wrongful confinement or of extortion, if the fine is paid. The Government has now seen, after punishing about 1,400 persons—that these convictions cannot possibly stand, that all officers who have passed these sentences are amenable to ordinary courts. What do they do? They do not merely indemnify officers. They go on to say that not only shall our officers be indemnified but those persons who are in unlawful custody, who have been illegally sentenced to imprisonment shall continue to serve those illegal sentences till they have served them out.

<sup>4</sup> Satyagraha was observed throughout India as a protest against the Rowlatt Bills by fasting and closing shops. Consequent to this there was an unfortunate conflict of the people with the authorities in Delhi resulting in their calling in the military who fired at the mob with machine guns.

<sup>5</sup> President, Special Session, Indian National Congress, September, 1918.



Now, what do our friends of the Anglo-Indian Press say? They say, 'Let by-gones be by-gones; don't throw obstacles in the way of the present Lieutenant-Governor<sup>6</sup> of the Punjab who is trying his best to restore good conditions and good relations between the Government and the people.' Now, gentlemen, there is no doubt that the present Lieutenant-Governor of the Punjab is doing something for which he deserves our appreciation. But what is he doing? I admit that he is doing all he can do. He cannot do any more; but can that fact satisfy us? He can only remit the sentences? He cannot set aside the convictions. It is a very great thing that you reduce the sentence of death to a sentence of two or three years' imprisonment. It is really something; it is worth commenting upon; it is worthy of praise. But what happens when a man who was sentenced to death, was wrongly convicted and was subjected to all the pains and sufferings of a condemned prisoner for a length of time? If his sentence is reduced from death to imprisonment even of one day, where is justice done to the innocent man who is guilty of no offence? What we want is justice even to that man. We want an authority who can go into these questions, whose powers are not limited. But let me ask my friends of the Anglo-Indian Press to be good enough to explain the psychology of their minds at the moment when the first news of the murder of seven Europeans reached the Press. I remember the tone in which they then wrote. Now that for each European life a hundred at least of Indian lives have been lost, our friends are in a position to talk philosophically and to say "let by-gones be by-gones!" How wise have they become after a surfeit of revenge? I have only to remind them that the ancient goddess of Nemesis still holds full sway over all people in all lands, but I say on my own behalf and also on behalf of my countrymen that we seek no retaliation or retributive justice and what we seek is redress, redress for our wrongs, which have been many and cruel. We say 'give us an opportunity to establish those wrongs and when we have established them give us our redress'. Now what is that redress? That redress is not to be measured by money; it is not to be measured by a few privileges; it is not to be measured by any schemes of Reform. The only redress that will satisfy us is an immediate change of the conditions which make it possible for such things to happen. It is the immediate departure of the bureaucracy.

<sup>6</sup> Mr. Edward Maclagan.





## SELECTED BIOGRAPHICAL NOTES

*In case of persons still living, only the year of birth is given in parenthesis after the name. Where the year of death is not known or is not available, the year of birth alone is given with a hyphen.*

AHMAD, KABEER-UD-DIN (1886-

*Member, Legislative Assembly, 1921-27*

Advocate, Calcutta High Court; elected member, Bengal Legislative Council in 1920; founder of Parliamentary Muslim Party in the Legislative Assembly, 1925, and its Chief Whip; Member, Democratic Party in the Legislative Assembly, 1921-24; Member of the Royal Commission on Labour, 1929.

AIYANGAR, C. DURAISWAMY (1873-1938)

*Member, Legislative Assembly*

School master for two years; then Vakil from July, 1899; occupied offices of President, District Congress Committee, District Conference, etc.; President, Taluk Board and Chairman, Municipal Council, Chittoor, for some years; President, Andhra Provincial Conference, 1928.

ALI, MAULANA MAHOMED (1878-1931)

*Prominent Leader of the Khilafat Movement*

Editor and Proprietor of the *Comrade*, weekly English newspaper, Calcutta, 1911-12, Delhi, 1912-14 and of *Hamdard*, Urdu daily newspaper (Delhi), 1913-15; interned under the Defence of India Act at Mehrauli, Lansdowne, and Chhindwara, 1915-19; confined in Betut (C.P.) Jail, June-December 1919 under Regulation III of 1818; sentenced to two years rigorous imprisonment, November 1921; Head of the Indian Khilafat Delegation to Europe, February-October, 1920; Founder of the All-India Muslim League, 1906.

ALI, SHAUKAT (1873-1937)

*Prominent Leader of the Khilafat Movement, 1919-20, and Non-co-operation Movement*

Member, Legislative Assembly, 1935; worked in Government Opium Department for 17 years; interned during the War under the Defence of India Act; Secretary, Central Khilafat Committee; Muslim Representative at Round Table Conference.

ANDREWS, C. F. (1871-1940)

*Journalist; was close associate of Mahatma Gandhi and wrote several books on him*

Went to South Africa to help Smut-Gandhi Agreement, 1913-14; went to Fiji concerning industrial Indian labour, 1915-17; Adviser to Indian Delegation to Kenya conversations, London, 1923; helped in the Indo-Union Agreement in

South Africa in 1927; Correspondent of *Manchester Guardian*, *Natal Advertiser*, *Toronto Star*, *Modern Review*, and *The Hindu*.

ANEY, MADHAO SHRIHARI (1880)

*Member, Legislative Assembly, 1924-30 and 1935; presently Member, Lok Sabha*

Joined bar 1908; Vice-President, Indian Home Rule League; President, Berar Provincial Congress Committee, 1921-30; joined Civil Disobedience Movement; President, Indian National Congress, 1933; Member, Congress Working Committee, 1924-25 and 1931-34; founded Yeotmal District Association 1916; Member, Nehru Committee; Vice-President, Responsivist Party; General Secretary, Congress Nationalist Party, 1934; Leader, Congress Nationalist Assembly Group, 1935; General Secretary, Anti-Communal Award Conference Working Committee, 1935; Member, Viceroy's Executive Council, Indian Overseas, 1941-43; Vice-President, National Planning Group, 1943; resigned Membership of the Executive Council in February 1943; Representative of India in Ceylon, 1943.

ANSARI, (DR) M. A. ( -1936)

*President, All Parties Conference, 1928, and Indian National Congress*

Started practice at Delhi in 1926; General Secretary, Delhi Provincial Congress Committee, 1929-31; Member, All-India Congress Committee, 1928-34; took prominent part in the Civil-disobedience movement, 1930 and 1932; was imprisoned twice; joined the All-India Congress Socialist Party, 1934; Member, Executive Committee, All India Congress Socialist Party, 1934-36.

BESANT, (MRS) ANNIE (1874-1933)

*Prominent leader of the Home Rule Movement and Congress President*

President, Theosophical Society; Editor, *New India* (Madras); author and lecturer on religious, philosophical and scientific subjects; active member of the Indian National Congress from 1919; interned during the war; co-founder of the Madras University.

BIRKENHEAD (LORD) (1872-1930)

*Secretary of State for India, 1924-28*

Leading Conservative statesman; Bencher of Gray's Inn Division, 1908; Treasurer, 1917-18; Solicitor-General, 1915; Attorney-General, 1915-19; Member of Parliament, 1906-19; Lord High Chancellor of Great Britain, 1919-22.

BIRLA, GHANSHYAM DAS (1894)

*Member, Legislative Assembly, 1926; resigned in 1930 as a protest against legislation for Imperial Preference*

Millowner and Philanthropist; President, Indian Chamber of Commerce, Calcutta, 1924; Federation of Indian Chamber of Commerce and Industry, 1929; has been responsible for the founding and maintenance of a large number



of educational and other public institutions in various parts of the country; Member, Indian Fiscal Commission, Bengal Legislative Council, Royal Commission on Labour; Delegate, Labour Conference at Geneva, 1930; Unofficial Adviser to the Government of India for British Trade Negotiations, 1936-37.

BLACKETT, (SIR) BASIL PHILLOTT (1882-1935)

*Finance Member, Viceroy's Executive Council, 1922-28*

Entered Treasury, 1904; Secretary to Indian Finance and Currency Commission, 1913-14 and to Capital Issues Committee, 1915; went on special mission to U.S.A. Government, October, 1914, in connection with exchange problems arising out of the war; Member of the Anglo-French Financial Mission to U.S.A., October 1915; Member of the War Savings Committee, 1916; Representative of British Treasury in U.S.A., 1917-19; Controller of Finance Treasury, 1919-22.

BOSE, (NETAJI) SUBASH CHANDRA (1897-1945)

*Twice President of the Indian National Congress*

Entered I.C.S. and resigned in 1921 and joined non-co-operation movement; Member, Calcutta Corporation, 1924; Chief Executive Officer, Calcutta Corporation, 1924; arrested under Regulation III of 1818; Member, Bengal Legislative Council, 1926; President, Bengal Provincial Congress Committee for several years; took prominent part in the boycott of Simon Commission and Civil Disobedience movement, 1930; belonged to the Extremists group of the Congress; imprisoned several times; interned as State prisoner during Satyagraha, released and asked to go to England; organised Indian National Army in Burma for the liberation of India from the foreign yoke; died in a plane crash in Japan; for long the death was a mystery.

BRAY, (SIR) DENYS DE SAUMEREZ (1875-1952)

*Foreign Secretary, Government of India, 1920-30*

Entered I.C.S. 1898; served in the Punjab, North West Frontier Province, Baluchistan, and with the Government of India; Census Superintendent, Baluchistan, 1910; Deputy Secretary, Foreign and Political Department, 1916; Officiating Private Secretary to Viceroy, 1918; Joint Foreign Secretary, 1919; Adviser to the Secretary of State for India, 1937; Member of the Imperial Legislative Council, 1918, Council of State 1921, Legislative Assembly, 1922-29, retired 1930; Member, Indian Delegation to the League of Nations, 1930-37; Vice-Chairman, 6th Political Committee, 1933; represented India at the International Broadcasting Conference, 1936, and Diplomatic Conference on Terrorisms, 1937; League of Nations Mission to Spain on Refugee Relief, 1938.

BURDON, ERNEST (1881)

*Army Secretary, 1922-26*

Hon. Treasurer, and Chairman, Finance Department; entered I.C.S. in 1905; Financial Under Secretary, Punjab Government, 1911; Government of India,

1914; Financial Adviser, Military Finance, Government of India; Member of Indian Munitions Board, and of Imperial Legislative Council, 1919; Secretary, Indian Financial Department, and Member of the Council of State, 1927-29; Auditor-General of India, 1929-40; retired 1940.

CALVERT, RUBERT (1875)

*Member, Legislative Assembly, 1924-26*

Entered I.C.S. 1897; Assistant Commissioner and Deputy Commissioner, Special Duty in Western Tibet, 1906; Registrar, Co-operative Societies, 1916-25; Member, Punjab Legislative Council, 1923-24; Commissioner, Rawalpindi, 1926; Financial Commissioner, Development, Punjab, 1929-33; Member, Royal Commission on Agriculture, 1926-28; Finance Member, Punjab, 1932; Registrar, Co-operative Societies, Ceylon; retired 1933.

CAMPBELL-BANNERMAN, (SIR) HENRY (1836-1908)

*Prime Minister and First Lord of Treasury from 1905*

M.P., 1868; Leader of the Liberal Party in the House of Commons from 1899; Financial Secretary to War Office, 1871-74, 1880-82; Secretary to Admiralty, 1882-84; Chief Secretary for Ireland, 1884-85; Secretary of State for War, 1886, 1892-95.

CHAMBERLAIN, (SIR) AUSTEN (1863-1937)

*Secretary of State for India, 1915-17*

Financial Secretary to Treasury 1900-02; Post-Master General, 1902-03; Chancellor of Exchequer, 1903-06, 1919-21; Member of Parliament, 1892-1914; Chairman of Royal Commission on Indian Finance and Currency, 1913; Member of War Cabinet, April 1918; Lord Privy Seal and Leader of the House of Commons, 1921-22; Secretary of State for Foreign Affairs, 1924-29; First Lord of Admiralty in National Government, August-October, 1931.

CHAMBERLAIN, JOSEPH (1836-1914)

*Secretary of State for Colonies, 1895-1903*

Thrice Mayor of Birmingham; M.P. Birmingham, 1876-85; President of the Board of Trade, 1880-85; President of Local Government Board, 1886.

CHATTERJEE, (SIR) ATUL CHANDRA (1874-1956)

*Member, Industries and Labour, Viceroy's Executive Council*

Entered I.C.S. 1897; served in U.P. Special Inquiries into Industries in U.P. 1907-08; Registrar, Co-operative Societies, U.P. 1912-16; Revenue Section, U.P. Government, 1917-18; Chief Secretary, U.P. Government, 1919; Government of India Delegate to the International Labour Conference, Washington, 1919 and Geneva, 1921, 1924, 1925-26 and 1928; President, International Labour Conference, 1927 and to League of Nations, 1925; Representative of India on Governing Body, International Labour Office; Vice-President of the Economic Consultative Committee of the League of Nations; Member of the Imperial Economic Committee since 1925; Member, Munitions Board, 1920; Secretary, Department of Industries, 1921; Member, Legislative Assembly,



1921-24; High Commissioner of India in the United Kingdom, 1925-31; Adviser to the Secretary of State for India, 1942-47; Member, I.L.O. Committee of Experts.

CHELMSFORD (LORD), FREDERICK JOHN NAPIER THESIGAR (1868-1933)

*Viceroy of India, 1916-21*

Member of London County Council, 1904-05; Alderman, London County Council, 1913; Governor of Queensland, 1905-09; Governor of New South Wales, 1909-13; co-author of Montagu-Chelmsford (Indian Constitution) Reforms of 1919; First Lord of Admiralty, 1924.

CHETTY, R. K. SHANMUKHAM (1892-1953)

*Member, Legislative Assembly, 1923-34 and Finance Minister, Government of India*

Member, Madras Legislative Council, 1920; Council Secretary to the Development Minister, 1922; Chief Whip, Congress Party in the Legislative Assembly; Deputy President, Legislative Assembly, 1931; President, Legislative Assembly, 1933; Dewan of Cochin, 1935-41; Constitutional Adviser to the Chancellor of Chamber of Princes, 1945

CHINTAMANI, (SIR) C. Y. (1880-1941)

*Member, U. P. Legislative Council, 1916-23 and 1927-36*

President of National Liberal Federation of India, 1920 and 1931; Chief Editor of *The Leader*; Member of the (Lothian) Indian Franchise Committee, 1932; Minister of Education, United Provinces, 1921-23.

COATMAN, JOHN (1889)

*Member, Legislative Assembly, 1926-30*

Joined Indian Police, 1910; Director of Public Information, Government of India, 1926; Member of Indian Cinematograph Enquiry Committee, 1927-28; Secretary to Liberal Parliamentary Delegation to the Round Table Conference 1930-32; Chief News Editor, B.B.C., 1934-37.

COOKE, (LT.-GEN. SIR) HERBERT FOTHERGILL (1871-1936)

*Military Secretary, Army Headquarters, 1922-24*

First Commission, 1892; Joined Indian Army, 1893; served Chitral, 1895, Tirah, 1897, Waziristan 1902, Tibet Expedition, 1904; march to Lhasa; European War, 1918-19; several years on Staff Appointments in India including four years as D.A.G. and officiating Adjutant-General in India, March-September 1920; G.O.C. Sind-Rajputana District, 1924-27; G.O.C. Lahore District, 1927-28; retired 1930.

CRADDOCK, (SIR) REGINALD (1864-1937)

*Home Member of the Viceroy's Executive Council, 1912-17*

Entered I.C.S. 1884; served in Central Provinces in various capacities; Chief Secretary to Chief Commissioner 1900; Commissioner, 1902-07; Chief Commissioner, 1907-12; Lt.-Governor of Burma, 1917-22; Member of the

Royal Commission on Civil Services of India, 1923-24; retired 1923.

CRERAR, (SIR) JAMES (1877)

*Home Member of the Viceroy's Executive Council, 1926, 1927-32*

Entered I.C.S. 1900; Assistant Commissioner in Sind, 1907-11; Municipal Commissioner, Bombay, 1913; Private Secretary to Governor of Bombay, 1914; Secretary to the Government of Bombay, Political and Judicial Departments, 1918; Home Secretary to the Government of Bombay, 1920-22; Home Secretary to the Government of India, 1922-27; retired 1934.

CREWE (LORD) (1858-1945)

*Secretary of State for India, 1910-15*

Assistant Private Secretary to Secretary of Foreign Affairs, 1883-84; Lord in Waiting to the Queen, 1886; Lord Lieutenant of Ireland, 1892-95; Lord President of the Council, 1908-09, 1915-16; Lord Privy Seal, 1908, 1912-15; Secretary of State for Colonies, 1908-10; Ambassador in Paris, 1922-28; Secretary of State for War, 1931.

CURZON (LORD), GEORGE NATHANIEL CURZON (1859-1925)

*Viceroy of India, 1899-1905*

Secretary of State for Foreign Affairs, 1919-24; Leader of the House of Lords, 1916-24; Member of the Imperial War Cabinet, 1916; Assistant Private Secretary to Marquis of Salisbury, 1885; Under Secretary of State for India, 1891-92; Under Secretary of State for Foreign Affairs, 1895-98; Lord Privy Seal, 1915-16; President of the Air Board, 1916; Lord President of the Council, 1916-19; M.P. 1886-98.

DANGE, SRIPAD AMRIT (1899)

*One of the accused in the Cawnpore Conspiracy Case of 1924; presently Member, Lok Sabha and leader of the Communist Group*

General Secretary, All India Trade Union Congress, and Member, Central Committee and Political Bureau of Communist Party of India; Vice-President, World Federation of Trade Unions; courted jail for over 13 years under the British Government and the Congress Government for conducting strikes, struggles and political activities on behalf of the Communist Party.

DAS, (DESHBANDHU) CHITTARANJAN (1870-1925)

*Founder of the Swaraj Party and its leader in Calcutta*

Joined High Court in 1893; appeared as defence counsel in the conspiracy case against Aurobindo Ghose and others in 1908; fought in the electioneering campaign of Dadabhai Naoroji; entered in active politics in 1907; President of Congress, 1921; took active part in the non-co-operation movement.

DAS, (SETH) GOVIND (1896)

*Member, Legislative Assembly, 1923 and presently Member, Lok Sabha*

Entered Politics 1919; organised non-co-operation movement in Madhya Pradesh, 1921; courted imprisonment five times and remained 8 years in prison;



member, A.I.C.C. since 1921; President, All India Hindi Sahitya Sammelan, 1949, Mahakoshal Pradesh Congress Committee; has written a number of plays and novels in Hindi.

DAS, SATISH RANJAN (1872-1928)

*Law Member of the Governor-General's Executive Council since 1925*

Advocate, Calcutta High Court, 1894; Standing Counsel, Government of India, 1917; Advocate-General, Bengal, 1922.

DUTT, AMAR NATH (1906-

*Member, Legislative Assembly, 1923-24*

Was Chairman of the Calcutta Local Board; Member, District Board, Secretary, People's Association, District Association; President, Bengal Postal Conference, 1926, and All-India Telegraph Union; was editor of monthly Magazine *Alo*; Member, Retrenchment Committee, 1931.

EMERSON, HERBERT WILLIAM (1881)

*Home Secretary, Viceroy's Executive Council, 1929-33.*

Entered I.C.S., 1905; Manager, Bashahri State, 1911-14; Superintendent and Settlement Officer, Punjab, 1917; Deputy Commissioner, 1922; Secretary to Government, Finance Department, 1926; Governor of Punjab, 1933-38; High Commissioner for Refugees, League of Nations, 1939-46; Director of Inter-Governmental Committee on Refugees, 1939-47.

GODFREY, (SIR) GEORGE COCHRANE (1871-1945)

*Member, Council of State, 1928-30*

Civil Engineer; Bengal-Nagpur Railway, India, 1895; served till 1917, when lent to Government of India as a Member of the Railway Board; Coal Controller of India, 1917-19; Indian Railway Committee, 1921; Howrah Bridge Committee, 1922; Member, Legislative Council, Bengal, 1923-25; General Manager, Bengal-Nagpur Railway, 1921-25.

GOKHALE, GOPAL KRISHNA (1866-1915)

*Educationist; founded the Servants of India Society in 1905; Congress President, 1905*

Representative of non-official members of Bombay Legislature on Viceroy's Legislative Council; for twenty years devoted himself to the cause of education among his Mahratta countrymen by serving as Professor in Fergusson College, Poona, on nominal pay; actively identified with Indian National Congress movement; gave evidence before Indian Expenditure Commission in London; was associated with the drafting of Minto-Morley Report of 1909; Member, Royal Commission of Public Services in India, 1912.

GOUR, (SIR) HARI SINGH (1866-1949)

*Leader of Opposition, Legislative Assembly, 1921-34*

Elected Member, Indian Constituent Assembly; Founder and Vice-Chancellor, University of Saugor; first Vice-Chancellor, Delhi University; Vice-Chancellor,

Nagpur University, 1936; President, Nagpur High Court Bar Association; President, Hindu Association; Indian Delegate to Joint Parliamentary Committee on Government of India Bill, 1936; social reformer, speaker and jurist.

GOSWAMI, TULSI CHANDRA (1898-

*Member, Legislative Assembly, 1923-30*

Zamindar; first Member of Bengal Executive Council; Delegate elected by the Indian Legislative Assembly to represent India at the August, 1928 session of the Empire Parliamentary Association, Canada, was Chairman of the Indian Section; Member, Bengal Legislative Assembly since 1937, and Deputy Leader of the Congress Party.

GRAHAM, Lancelot (1880)

*Secretary, Legislative Department*

Entered I.C.S. 1904; Assistant Collector, 1904; Assistant Judge, 1908; Assistant Legal Remembrancer, Bombay, 1911; Judicial Assistant, Kathiawar, 1913; Governor of Sind, 1936-41; Kaisar-i-Hind Gold Medal, 1941; retired 1941.

HABIB-UL-LAH, (KHAN BAHADUR, SIR) MUHAMMAD (1869-

*Member, Lee Commission*

Joined the Bar in 1888; from 1901 devoted whole time to local self-Government and held the position of Chairman of Municipal Council; President, Taluk Board; President, District Board; Member, Legislative Council, 1909-12; appointed temporary Member, Madras Executive Council, 1919; was Commissioner of Madras Corporation, 1920; gave evidence before the Royal Commission for Decentralisation and also served as co-opted Member on Reforms Committee and as Member of the Council of the Governor of Madras, 1920-24.

HADLEY, ARTHUR TWING (1856-1930)

President of Yale University, 1899-1921; Lecturer at Yale, 1876-87; Professor of Political Economy, 1887-99; Commissioner of Labour Statistics, Connecticut 1885-87; Chairman of Rail-Road Security Commission of United States, 1910-11; Member, International Institute of Statistics, American Academy of Arts and Letters.

HAILEY, SIR MALCOLM (LATER LORD) (1872)

*Member, Finance and Home Departments, Governor-General's Executive Council, 1919-24*

Entered I.C.S. 1895; Colonisation Officer, Jhelum Canal Colony, 1902; Chief Commissioner, Delhi, 1912-18; Governor of Punjab, 1924-28; Governor of U.P., 1928-30 and 1931-38; Member of Permanent Mandates Commission, League of Nations, 1935-39; Head of Economic Mission to Belgian Congo, 1941.

HARDINGE (LORD), CHARLES HARDINGE (1858-1944)

*Viceroy of India, 1910-16*

Entered Diplomatic Service, 1880; 3rd Section, 1882, 2nd Section, 1885; Secretary of Legation, Teheran, 1896; Secretary of Embassy, Petrograd, 1898-



1903; Assistant Under Secretary of Foreign Affairs, 1903-4; Permanent Under Secretary of State for Foreign Affairs, 1906-10, and 1916-20; British Ambassador at Petrograd 1904-6; British Ambassador in Paris, 1920-23.

HINDLEY, (SIR) CLEMENT (1874-1944)

*Member, Legislative Assembly*

Member of Central Council of Works and Buildings; Engineer, East India Railway, 1897-1914; Secretary, 1914-18; Deputy Agent, 1918-20; Agent (General Manager), 1920-21; Chairman of Commissioners for the Port of Calcutta, 1921-22; Chief Commissioner of Railways, Railway Board, 1922-28; Member of the Channel Tunnel Committee, 1929-30; Member of Advisory Council for Scientific and Industrial Research, 1932-37; Member of General Board, National Physical Laboratory, 1935-36, 1939-40; Adviser, London Civil Defence Region, Ministry of Home Security, 1939-42.

HORNIMAN, BENJAMIN GUY (1873-1948)

*Journalist and author*

President, Indian Journalists Association; Editor *Southern Daily Mail*, 1897-1900; subsequently on leading English journals; Assistant Editor, *Calcutta Statesman*, 1906-12; Special Correspondent, Eastern Bengal, 1907-08; met Dalai Lama on his flight from Lhasa in 1910; Delhi Durbar, 1911; founded with Sir Phirozeshah Mehta, *Bombay Chronicle*, 1913; a leader of Home Rule for India movement deported under Defence of India Act to England, 1919; after continuous exclusion for six years, landed Colombo and India, January, 1926; Founder and Editor of *Indian National Herald*, 1926-29; later associated with conduct of *Bombay Chronicle*, and associated journals; Editor-in-Chief, *Bombay Sentinel*, 1943-45.

HOWELL, EVELYN BERKELEY (1877)

*Foreign Secretary*

Entered I.C.S. 1900; Political Assistant, N.W.F.P. 1906; Dy. Commissioner, 1907; District Judge, 1907; Dy. Commissioner, Kohat, 1908; H. M.'s Consul, Muscat, 1910; Dy. Commissioner Barat Wiloyet, 1917; Military Governor, Baghdad, 1918; Dy. Foreign Secretary 1922; officiating Foreign Secretary 1923-24; and 1926-27; Resident in Waziristan, 1924-28, Resident in Kashmir 1927-29; President, Frontier Defence Committee, 1924.

HUDSON, (GENERAL SIR) HAVELOCK (1862-1944)

*Member of the Council of State, India, 1924-29*

Entered Army, 1881, Captain, 1892, Major, 1901, Lt.-Colonel, 1907, Colonel, 1911, Maj.-General, 1915, General, 1921; Member of Executive Committee, Coronation Durbar, Delhi, 1903; Brigadier, General Staff, Northern Army, 1912-14; Adjutant General, India, 1917-20; G-O-C-in-C, Eastern Army in India, 1920-24; A.D.C. General to the King, 1922-24.

IMAM, (SYED) HASAN (1871)

*President, Special Session, Indian National Congress, September 1918*

Practised at Patna and Calcutta until 1911; Judge of Calcutta High Court, 1912-16; President, All India Home Rule League; Delegate to London Conference on Turkish Peace Treaty, 1921; India's Representative to the League of Nations, 1923.

INNES, (SIR) CHARLES ALEXANDER (1874)

*Member, Railways and Commerce and Industries Department, Governor-General's Executive Council, 1921-27*

Joined I.C.S. 1898; served in Madras in various capacities; Under Secretary to Government of India, 1907-10; Collector of Malabar, 1911-15; Director of Industries and Controller of Munitions, Madras, 1916-18; Indian Foodstuffs Commissioner, 1919; Secretary, Government of India, Department of Commerce, 1920-21; Governor of Burma, 1927-32.

IRVING, MILES (1876)

Deputy Commissioner, Montgomery, 1905-6, 1909-13; Amritsar, 1907-8 and 1919; Attock, 1919-22; Senior Secretary, Financial Commissioner, Punjab, 1914-17; Financial Secretary, Punjab, 1922-26; Commissioner, Lahore, 1927; Ambala, 1929-31; Financial, Punjab Commissioner, 1931-34; Acting Revenue Member, Punjab Government, 1934.

IRWIN (LORD), EDWARD FREDERICK LINDLEY WOOD, LORD HALIFAX (1861-1959)

*Viceroy and Governor-General of India*

Parliamentary Under Secretary for the Colonies, 1921-23; President of Board of Education, October 1922-January 1924; Minister of Agriculture, October, 1924-25; M.P. since January 1910.

IYENGAR, S. SRINIVASA (1874)

*President of the Congress and Deputy Leader of the Swaraj Party.*

Advocate; President, Vakils' Association of Madras; President, Madras Social Reform Association, Member, All India Congress Committee, Advocate-General, Madras.

JAYAKAR, MUKUND RAMRAO (1873-1959)

*Member, Legislative Assembly, 1926-30*

Member, Bombay Legislative Council; practised as a Barrister in Bombay High Court; took to public life in 1916 and since 1921 very nearly up to his death completely in public life; elected to Bombay Legislative Council in 1923; Leader of the Swaraj Party in Bombay Council until his resignation in 1925; Member, Judicial Committee of Privy Council; Deputy Leader of the Nationalist Party in the Legislative Assembly from 1927-30; Leader of Opposition in 1930; Delegate to Indian Round Table Conference in London and member of Federal Structure Committee; Member, Indian Delegation co-operating with the Joint Parliamentary Committee on the White Paper; appointed Judge of the Federal Court, India, from October 1937.

JINNAH, (QUAID-E-AZAM) MOHAMMAD ALI (1876-1948)



*Founder of Pakistan and its first Governor-General*

Enrolled Advocate, Bombay High Court, 1897; Member, Imperial Legislative Council from 1910; President, All-India Muslim League, 1916, 1920 and since 1934 till Partition; attended Round Table Conference, 1929-30; Member, Legislative Assembly and Leader of Muslim League Party.

## JOHNSON, (LT.-COL. SIR) FRANK WILLIAM (1866-1943)

Commanded Pioneer Corps for Occupation of Rhodesia, 1890; European War, 1914-18; as Lt. Col. Royal Sussex Regt. commanded troops and administered, Martial Law, Lahore, 1919; Member, Legislative Assembly, Southern Rhodesia, 1927-28.

## JOSHI, NARAYAN MALHAR (1879-1955)

*Nominated Member of the Legislative Assembly in 1921 and 1924-1934*

Joined Servants of India Society, 1909, Bombay Social Service League since 1911, and Secretary, Bombay Presidency Social Reform Association, 1917-29; General Secretary, All-India Trade Union Congress, 1925-29; Deputy Member of the Governing Body of the International Labour Organisation, 1922-23; Kaisar-i-Hind Silver Medal, 1919; Member, Bombay Municipal Corporation, 1919-23; Member, Royal Commission on Labour as labour representative; attended Round Table Conference, 1930, 1931, and 1932; attended the meetings of the Joint Parliamentary Committee as Indian Delegate.

## KASTURBHAI LALBHAI (1894)

*Member, Legislative Assembly as a representative of the Millowners' Association, 1923-26.*

Millowner; Hony. Secretary, Ahmedabad Famine Relief Committee, 1918-19; elected Vice-President, Ahmedabad Millowners' Association, 1923-26; nominated as a Delegate to the 12th International Labour Conference at Geneva, 1929; Delegate to the 8th International Labour Conference, 1934; elected President, Federation of Indian Chambers of Commerce and Industry, 1934-35; President, Ahmedabad Millowners' Association, 1935 and 1936; Consultative Member, British Indian Trade Delegation to England, 1937.

## KEANE, (SIR) MICHAEL (1874-1937)

*Member, Legislative Assembly*

Entered I.C.S. in 1898; Under Secretary to Government 1906-08; Settlement Officer, Rajputana, 1910-14; Secretary to the Government, 1917-19; Chief Secretary, 1919-21; President, Legislative Council, United Provinces, 1921-25; Member, Public Service Commission, 1928; Member, Board of Revenue, United Provinces, 1930; Governor of Assam, 1932-37.

## KELKAR, NARSINHA CHINTAMANI (1872-1947)

*Member, Legislative Assembly 1923 and 1926*

Editor, *Kesari* and *Mahratta*; pleader till 1896; Municipal Councillor from 1898 to 1924; President, Poona City Municipality in 1918 and again from 1922-24; President, Provincial (Bombay) Conference, 1920; Delegate and

Member of Congress, Home Rule League deputation to England in 1919.

LANSBURY, GEORGE (1859-1940)

*President of the Labour Party, 1931-35 and League against Imperialism.*

M.P. since 1922; formerly editor of *Daily Herald*, National Labour paper; worked at Home and in various offices; went to Australia, 1884; returned 1885; in active political life since a boy; was first active Radical, became convinced socialist, 1890; M.P. 1910-12; resigned to fight seat as Independent and supporter of suffrage of women, re-elected in 1922; First Commissioner of Works, 1929-31; Borough Councillor since 1903; Mayor of Poplar, 1919-20 and 1936-37; Member of Central Unemployment Body for London; Member of Royal Commission on Poor Law, signed the Minority Report; Member of London County Council.

LAW, ANDREW BONAR (1858-1933)

*Conservative Prime Minister, 1922-23*

Parliamentary Secretary of the Board of Trade, 1902-06; Member of Parliament, 1900-18; Leader of Opposition in the House of Commons, 1911-15; Secretary of State for Colonies, 1915-16; Chancellor of Exchequer, 1916-18; Lord Privy Seal, 1919-21; Leader of the House of Commons, 1916-21; Member, War Cabinet, 1916-19; Leader of the Unionist Party, 1911-21; First Lord of Treasury, 1922-23.

LINDSAY, (SIR) DARCY (1865-1941)

*Member, Legislative Assembly*

Kasar-i-Hind Gold Medal, 1911.

LYTTON (LORD), VICTOR ALEXANDER GEORGE ROBERT LYTTON (1876-1947)

*Governor of Bengal, acting Governor-General and Viceroy of India, 1924-25*

Civil Lord of Admiralty, 1916, 1919-20; Additional Parliamentary Secretary to the Admiralty, 1917; British Commissioner for Propaganda in France, 1918; Under Secretary of State for India, 1920-22; responsible for the Bengal Ordinance; Leader of the Indian Delegation to the 8th and 9th Assemblies of the League of Nations.

MACDONALD, RT. HON. JAMES RAMSAY (1866-1937)

*Labour Prime Minister and First Lord of Treasury, 1929; M.P., 1922-31*

Secretary, Labour Party 1900-12; Treasurer, 1912-14; Chairman, Independent Labour Party, 1911-14; Member, Royal Commission on Indian Public Services, 1912-14; sometime Editor of *Socialist Library* and *Socialist Review*; Chairman, Parliamentary Labour Party and Leader of Opposition, 1922; Secretary of State for Foreign Affairs, January-November 1924.

MALAVIYA, PANDIT MADAN MOHAN (1861-1946)

*Member, Indian Legislative Assembly since 1924*

President of the Indian National Congress, 1909 and 1918; Edited *The Hindustan*, 1889-92; *The Abhyudaya*, 1907-09; Member of U.P. Legislative



Council, 1902-20; Imperial Legislative Council, 1910-20; Member, Indian Industrial Commission, 1916-18; President, Hindu Mahasabha, 1923-25, Sanatan Mahasabha, 1928-46, Seva Samiti, 1914-46.

MAXTON, JAMES (1885-1946)

*President of the Independent Labour Party, 1926-31 and 1934-39, and the League against Imperialism.*

M.P. since 1922; a teacher, organiser of Scotland for Glasgow Federation of I.L.P. 1919-22; Member of Glasgow Education Authority, 1919-22.

MEHTA, JAMNADAS M. (1884-1955)

*Member, Legislative Assembly*

Mayor of Bombay, 1936; President, Accounts Staff Union, G.I.P. Railway, All India Railwaymen's Federation, Bombay, Tramwaymen's Union, Port Trust Employees Union, All-India Salaried Employees Federation etc. etc. President, Bombay Provincial Congress Committee, 1926-30; Member, A.I.C.C. 1921-31; Working Committee Member of the Congress, 1929.

MESTON (LORD), JAMES SCORGIE MESTON (1865-1943)

*Lieut.-Governor, United Provinces of Agra and Oudh, 1912-18*

Entered I.C.S. 1885; Financial Secretary to United Provinces Government, 1899-1903; Secretary of Finance Department, Government of India, 1906-12; Indian Representative, Imperial War Conference, 1917; Finance Member of Governor-General's Council, 1919; formerly Vice-Chairman of League of Nations; President of Liberal Party Organization since 1936.

MIDDLETON (LORD), ST. JOHN BRODRICK (1856-1942)

*Secretary of State for India, 1903-05*

Financial Secretary to War Office, 1886-1892; Under Secretary of State for War, 1895-98, for Foreign Affairs, 1898-1900; Secretary of State for War, 1900-03; M.P., 1885-1906; Alderman, London County Council, 1907-13; served on Irish Convention, 1917-18.

MINTO (LORD), GILBERT JOHN MURRAY KYNYNMOND ELLIOT (1847-1914)

*Viceroy of India, 1905-10*

Served with Turkish Army, 1877; Afghan War, 1879; Private Secretary to Lord Robert at the Cape, 1881; Volunteer in the Egyptian Campaign, 1882; Military Secretary to the Governor-General (Marquis of Lansdowne) of Canada, 1883-85; Chief of State in North-West Canadian Rebellion, 1885; contested Hexham, 1886; Governor-General of Canada, 1898-1904; Co-author of Minto-Morley Reforms of India.

MITTER, (SIR) BROJENDRA LAL (1875-1950)

*Law Member of Viceroy's Executive Council, 1928-34*

Practised in the Calcutta High Court; Standing Counsel to the Government of India, 1922; Advocate-General, Bengal, 1925-28; Vice-President, 1932; led Indian Delegation to League of Nations, 1931 and 1933; Member, Bengal

Executive Council, 1934-37; Advocate-General of India, 1937-45; Dewan of Baroda, 1945-47; acting Governor of West Bengal.

MONTAGU, EDWIN SAMUEL (1879-1924)

*Secretary of State for India, 1917-22*

M.P. 1906-22; Parliamentary Secretary of the Chancellor of Exchequer, 1906-8; to Prime Minister, 1908-10; Parliamentary Under Secretary of State for India, 1910-14; Chancellor, Duchy of Lancaster, 1915; Financial Secretary of Treasury, 1914-16; Minister of Munitions and Member of War Committee, 1916, co-author of the Montagu-Chelmsford Reforms.

MOORE, WILLIAM ARTHUR (1880)

*Member, Legislative Assembly, 1926-33*

Syndicated columnist in Indian Press; Secy., Balkan Committee, 1904-8; Special Correspondent of *London Times* in different countries; Public Relations Adviser to Admiral Mountbatten, S.A.C.S.E.A., 1944-46; Editor of *Thought* 1949; Chairman, Indian Branch, Empire Union, 1933-34; President, Indian and Eastern Newspapers Society, 1939-43.

MORLEY, (LORD) JOHN MORLEY (1838-1923)

*Secretary of State for India, 1905-10*

M.P. 1883-95 and 1896-1908; twice Chief Secy. for Ireland, with seat in Cabinet, 1886 and 1892-95; Bencher of Lincoln's Inn, 1891; Trustee of British Museum, 1894; Member of the Historical Manuscript Commission, Lord President of the Council, 1910-14.

MUDDIMAN, (SIR) ALEXANDER PHILIPS (1875-1928)

*Home Member of Executive Council of Governor-General and Leader of the Legislative Assembly, 1924-27*

Governor of United Provinces of Agra and Oudh since 1927; was the chairman of the Muddiman Enquiry Committee; entered I.C.S. in 1897, served in Bihar in various capacities; Under Secretary to the Government of Bengal, 1903; Registrar of the High Court at Fort William, 1905; Additional Member of the Legislative Council; Secretary to the Indian Legislative Department, 1915-21; Officiating Law Member, 1919; President of the Indian Council of State, 1920-24.

MULLA, (SIR) DINSHAH FARDUNJI (1869-1934)

*Law Member of Viceroy's Executive Council*

Jurist; Fellow of the Bombay University; President, Tribunal of Appeal, Bombay, 1919-21; author of several law books.

NAIDU, (MRS) SAROJINI (1879-1949)

*Congress President, 1925*

Poetess; Fellow of the Royal Society of Literature, 1914; published three volumes of poetry in English; delivered lectures and addresses in all the chief cities of India on questions of social, religious, educational and national pro-



gress; Kaiser-i-Hind Gold Medal for organising flood relief fund in Hyderabad; specially connected with the women's movement in India and the welfare of students; Member of Bombay Municipality, 1923-29; one of the leaders of Indian freedom movement, elected first Indian woman President of the Indian National Congress, 1925; travelled throughout East Africa on a political mission on behalf of the Indian settlers in 1924; Delegate, Indian Round Table Conference in London, 1931; Member, Government of India Deputation to South Africa, 1932; Governor of United Provinces, 1947-49.

NAOROJI, DADABHAI (1825-1917)

*First Indian Member of British Parliament*

First Indian Professor in Mathematics and Natural Philosophy, 1854; visited England as partner in first Indian firm in England, 1855; Professor of Gujrati and life Governor, University College, London; Prime Minister, Baroda, 1874; Member, Bombay Legislative Council, 1885-87; President, Indian National Congress, 1886, 1893 and 1906; President, London Indian Society for many years; moved for inquiry in Indian Affairs in the House, 1894; only Indian Member of a Royal Commission; Member of Inter-Parliamentary Conference at Hague; Member of British Committee of Indian National Congress from beginning, *i.e.* 1889.

NARAYAN, PANDIT JAGAT (1899)

Pleader, Chief Court of Oudh; non-official Chairman, Lucknow Municipality; Chairman, Reception Committee, 31st Indian National Congress; Member, Hunter Committee; was Minister, U.P. Government for Local Self Government and Public Health.

NEOGY, KSHITISH CHANDRA (1888)

*Member, Legislative Assembly 1921-34, re-elected 1934: now Financial Adviser to the Government of India and Member, Planning Commission*

Advocate, Calcutta High Court; Adviser to Indian States Delegation to three Round Table Conferences, 1930-31; Dewan of Mayurbhanj State in Eastern States group, 1935-40; Political Adviser to Mayurbhanj State, 1940-42, Chairman, Committee of Central Assembly, 1946-August 1947; Member, Human Rights Commission (U.N.O.), 1946; Chairman, Planning Advisory Board, Government of India, 1946; Chairman, Indian Railway Enquiry Committee, 1946; Minister of Rehabilitation, 1947; Minister of Commerce, 1948, resigned in 1950; Chairman, Finance Commission, 1951-53.

O'BRIEN, (LT.-COL.) AUBREY JOHN (1870-1930)

*Commissioner of Ambala, Lahore and Jullundur*

Served for three and a half years in the Royal North Lanes Regt. and for one and half years in 110th Maharatta Light Infantry; then 29 years in the Punjab Commission.

O'DWYER, (SIR) MICHAEL FRANCIS (1864-1940)

*Lieut.-Governor, Punjab, 1913-19*

Entered I.C.S., 1885; Director of Department of Land Records and Agriculture, Punjab, 1896; Settlement Officer for States of Alwar and Bhurtpore, 1897; Revenue Commissioner, North West Frontier, 1901-08; Acting Chief Commissioner, 1907; Agent to Governor-General in Central India, 1910-12; responsible for the Jallianwala Bagh tragedy; Member of the Committee of Army in India, 1919-20.

OLIVIER (LORD), SYDNEY OLIVIER (1859-1943)

*Secretary of State for India, 1924*

Entered Colonial Office, 1882; Acting Colonial Secretary, British Honduras, 1890-91; Auditor-General, Leeward Islands, 1895-96; Private Secretary to Earl of Selborne, 1896-97; Secretary, West Indian Royal Commission, 1897; sent to Washington, 1898 to assist in reciprocity negotiations on behalf of W. Indian Colonies; Colonial Secretary to Jamaica, 1899-1904, and Acting Governor, 1900, 1902 and 1904; Principal Clerk, W. African and W. Indian Departments, Colonial Office, 1904-07; Governor of Jamaica, 1907-13; Permanent Secretary to the Board of Agriculture and Fisheries, 1913-17; Assistant Comptroller and Auditor of the Exchequer, 1917; retired 1920.

PAL, BIPIN CHANDRA (1858-

*Member, Legislative Assembly, Revolutionary nationalist leader in partition days*

Sub-Editor, *Bengal Public Opinion*, 1883-84; Sub-Editor, *Tribune*, 1887-88; Secretary and Librarian, Calcutta Public Library, 1890-92; Started *New India*, 1901, and afterwards *Bande Mataram*; convicted in 1907 to simple imprisonment for 6 months for contempt of court; started *Swaraj* monthly in England in 1908; Started the *Hindu Review* in 1912.

PANT, PANDIT GOVIND BALLABH (1887-1961)

*Minister for Home Affairs, Government of India*

Enrolled Advocate, Allahabad High Court, 1909, took active part in politics; elected Member, A.I.C.C., 1916; U.P., League Council, 1923, on Swaraj Party ticket; Leader, Swaraj Party, U.P. Council for 7 years; President, U.P.C.C.; took active part in the anti-Simon Commission agitation; submitted Pant Report, 1931; Member, Congress Working Committee since 1931; elected M.L.A. 1934 and was Deputy Leader of the Congress Party; Leader of Congress Party in the U.P. Assembly, 1937, and Premier 1937-39; resigned on War issue; attended Simla Conference and carried on negotiations with Jinnah; Chief Minister, U.P., 1946-1955.

PARSONS, (SIR) ALFRED ALAN LETHBRIDGE (1882)

*Financial Commissioner, Railways, 1926*

Entered I.C.S. 1907; Under Secretary to the Punjab Government, Financial Department, 1912; Under Secretary to the Government of India, Finance Department, 1916; Deputy Controller of the Currency, 1922; Secretary to the Government of India, Department of Industries and Labour, 1925; Temporary Member of Executive Council of the Governor-General of India, June 1932;



Secretary to the Government of India, Finance Department, 1932-34; Member of the Council of India, 1934; Adviser to the Secretary of State for India, 1937-40.

PETIT, (SIR) DINSHAW (1873-1933)

*Member, Legislative Council, Bombay*

Delegate, Parsee, Chief Matrimonial Court; Member, Municipal Corporation of Bombay.

PRAKASAM, T. (1876-1957)

*Member, Legislative Assembly, 1926-30*

Journalist; Editor "Swarajya": called 'Andhra Kesari'; gave up a lucrative practice during non-co-operation days; resigned from the Assembly in 1930; imprisoned for breaking Salt law, 1930, and again in 1932; President, Andhra Provincial Congress Committee, 1935; Member, All-India Congress Committee, 1935

RAINY (SIR), GEORGE (1875-1946)

*Member for Commerce and Railways, Viceroy's Executive Council, 1927-32*

Entered I.C.S., 1899; served as Assistant Magistrate and Collector; Under Secretary to the Government of Bengal, Financial Department, 1904-06; Under Secretary to the Government of India, Commerce and Industry Department, 1906-09; Magistrate and Collector, Deputy Secretary to the Government of India, Finance Department, 1916-19; Chief Secretary to the Government of Bihar and Orissa, 1919-23; President of the Indian Tariff Board, 1923-27.

RANGACHARIAR, (DIWAN BAHADUR) TIRUVENKATA (1865-

*Member, Legislative Assembly*

Schoolmaster for three years; enrolled as Vakil, High Court, Madras, 1891; Professor, Law College, 1898-1900; Member, Madras Corporation, since 1908; Member, Madras Legislative Council, 1916-19; Member, Indian Bar Committee, Mercantile Marine Committee, Esher Committee; Elected Deputy President of the Legislative Assembly; Member, Indian Colonies Committee, 1921; Member, Frontier Committee.

RANGASWAMI IYENGAR A.

*Member, Legislative Assembly*

Journalist, Editor of *Swadesamitran* and later of *The Hindu* of Madras; Secretary of Swaraj Party, 1925-27; practised as a pleader in Tanjore; General Secretary of the Congress, 1926-27.

READING (LORD), RUFUS DANIEL ISAACS (1860-1935)

*Viceroy and Governor-General of India, 1921-26*

Solicitor-General, 1910; Attorney-General, 1910-13; M.P. 1904-13; Lord Chief Justice of England, 1913-21; President of Anglo-French Loan Mission to U.S.A., 1915; Special Envoy to U.S.A., 1917; High Commissioner and Special Envoy to U.S.A., 1918; Secretary of State for Foreign Affairs in the first National Government 1931; First Attorney-General to become Member of Cabinet, 1912.

SAPRU, THE RT. HON'BLE (SIR) TEJ BAHADUR (1875-1949)

*Law Member of the Governor-General's Executive Council*

Jurist; Advocate, Allahabad High Court, 1896-1926; Member, U.P. Legislative Council, 1913-16; Member, Imperial Legislative Council, 1916-20; Member, Lord Southborough's Functions Committee, 1918-19; Member of Moderate Deputation and appeared as a witness before Lord Selborne's Committee in London, 1919; Member, All India Congress Committee, 1906-17; President, U.P. Political Conference, 1914; President, U.P. Social Conference, 1913; President, U.P. Liberal League, 1918-21; Member of the Imperial Conference in London, 1923; presided over the All India Liberal Federation, Poona, 1923; Member of the Muddiman Enquiry Committee, 1924; Member of the Round Table Conference, 1930-32 and Joint Parliamentary Committee, 1933; President, U.P. Unemployment Committee, 1934-35; edited the *Allahabad Law Journal*.

SCHUSTER, (SIR) GEORGE ERNEST (1881)

*Finance Member of the Viceroy's Executive Council, 1928-34*

Director of numerous companies, 1906-14; served European War, 1914-18; North Russia, 1919; Chief Assistant to Organiser of International Credits under League of Nations, 1921; Member, Advisory Committee to Treasury Under Trade Facilities Act, 1921-22; Financial Secretary, Sudan Government, 1922-27; Chairman of Advisory Committee to Colonial Secretary on East African Loans, 1926-28; Economic and Financial Adviser, Colonial Office, 1927-28; Member of East African Commission on Closer Union, 1928; Chairman of Joint Committee of Enquiry into the Anglo-Argentine Meat Trade, 1935-38; Member of Colonial Development Advisory Committee, 1936-38; Chairman, Unemployment Assistance Board Advisory Committee for Central and North West London, 1936-38; M.P. 1938-45; Member of Select Committee on National Expenditure, 1939-45; Member, Council of British Institute of Management; Member, Government Committee on Industrial Productivity and Chairman of Committee, Panel on Human Relations; Member and Treasurer of Medical Research Council; visited Malta at the request of Malta Government to advise on economic and financial policy, 1950.

SELBORNE (LORD), WILLIAM WALDEGRAVE PALMER (1859-1942)

Assistant Private Secretary to Secretary of State for War and Chancellor of Exchequer (Rt.-Hon. Childers), 1882-95; M.P. 1882-95; Under Secretary for Colonies, 1895-1900; First Lord of Admiralty, 1900-05; Governor of Transvaal and High Commissioner for South Africa, 1905-10; President of the Board of Agriculture, 1915-16.

SETALVAD, (SIR) CHIMANLAL HARILAL (1866-1947)

*Member, Legislative Assembly*

Advocate, High Court, Bombay; Member, South Borough Reforms Committee, 1918; Member, Hunter Committee, 1919; Additional Judge, Bombay High Court, 1920; Member, Executive Council of Governor of Bombay, 1921-23.



SCURR, JOHN (1876-1932)

*Member of Parliament, 1923-31*

Active in labour movement since 1898; formerly President Poplar Trades Council; Chairman, Metropolitan Boroughs Standing Joint Committee, 1922-23; Vice-Chairman, 1920-22; Mayor of Poplar, 1922-23; Central Unemployed Body; imprisoned with 21 Poplar Councillors against unequal rights burdens.

SHADWELL, (DR) ARTHUR (1854-1936)

*Author and lecturer; Editor of The Democrat, 1922-23*

Practised medicine at Brighton, 1883-87; began to write, 1889; contributed to *Macmillan's Magazine*; *National R. quarterly*, *Times*, *Standard*, etc., on scientific, sociological and industrial questions; special correspondent of the *Times* in Russia and Germany during cholera epidemic, 1892; travelled much investigating social, economic and industrial conditions in Europe, United States, and Canada.

SHAFI, (DR. MIAN. SIR) MUHAMMAD (1869-1932)

*Law Member of Viceroy's Executive Council, 1923-24*

Advocate of High Court, Allahabad, and High Court, Lahore; President, All India Urdu Conference, 1911; President, All India Muslim League, 1913 and 1927; President, All India Muhammadan Educational Conference, 1916; President, Punjab High Court Bar Association, 1917-19; Member, Punjab Legislative Council and Imperial Legislative Council, 1909-19; President, Punjab Provincial Bar Conference, 1919; Education Member, Viceroy's Executive Council, 1919-22; Vice-President of Council, 1922-24; Leader of the Council of State, 1922-24.

SINHA (LORD), RT. HON. (SIR) SATYENDRA PRASANNO SINHA (1864-1928)

*Under Secretary of State for India, 1919-20*

Member, Judicial Committee of Privy Council since 1926; Member of Viceroy's Executive Council, India; Barrister, Calcutta High Court; Standing Counsel, Government of India, 1908; Advocate-General, Bengal, 1907-9, 1915-17; a Representative of India in the Imperial War Conference, 1917; Member, Imperial War Cabinet, 1918; Governor of Bihar and Orissa, 1920-21.

SINHA, SACHCHIDANAND (1871-1950)

*First elected Deputy President, Indian Legislative Assembly*

First Indian Finance Member of the Governor's Executive Council of Bihar and Orissa, 1921-26; President of the Legislative Council, 1921-22; first President of the Indian Constituent Assembly; Advocate, Calcutta High Court, 1896; Patna High Court, 1916; founded and edited the *Hindustan Review*, 1899-21; Member, Imperial Legislative Council; elected to Legislative Assembly, 1920; was especially invited while in England in 1933 to appear before the Joint Parliamentary Committee on Indian Reforms and submitted a lengthy memorandum on the white paper from the standpoint of constitutional nationalists.

SMITH, (SIR) HENRY MONCRIEFF (1873-1951)

*Secretary of the Legislative Assembly, 1921-24 and of the Council of State, 1921-23*

Entered I.C.S. 1897; posted to U.P. as Assistant Commissioner, District and Sessions Judge, 1908; U.P. Government Secretariat, 1914; Deputy Secy., Indian Legislative Department, 1915; Joint Secy. 1919; President of the Council of State and of the Statute Law Revision Committee, 1924-32; Deputy Chairman, Indian Round Table Conference, Consultative Committee, 1932.

SIVASWAMY AIYAR (SIR) P. S. (1864-

*Member, Legislative Assembly*

High Court Vakil, 1885; Assistant Professor in Law College, Madras, 1893-99; Joint Editor, *Madras Law Journal*, 1893-1907; first Indian Representative of the University of Madras in the Madras Legislative Council, 1904-07; Advocate-General, 1907; Member, Madras Executive Council, 1912-17; elected to Legislative Assembly by the districts of Tanjore and Trichinopoly, 1920; President of the Second and Ninth Sessions of the National Liberal Federation at Calcutta, 1919 and Akola, 1926; Member of the Indian Delegation at the Third Session of the Assembly of the League of Nations at Geneva, 1922; Nominated Member of the Legislative Assembly, 1924.

SPOOR, BENJAMIN CHARLES (1878-1928)

M.P. since 1818; a member of the Executive Council of the Labour Party, 1919; Parliamentary Secretary to Treasury, 1924; Chief Whip of Labour Party, 1924-25.

STANYON, (COL. SIR) HENRY (1857-1934)

*Member, Legislative Assembly, 1922-26*

Practised at Bar, Agra, 1881-82, Jubbulpore, 1882-97; President of Jubbulpore Municipal Board, 1892-97; Divisional Judge, Nagpur, 1897; Additional Judicial Commissioner, C.P. 1904; Captain, 1891; Major, 1897; Lt.-Col., 1901; A.D.C. to the Viceroy of India; Col. 1911; Member, U.P. Legislative Council, 1920-21.

STEPHENSON, (SIR) HUGH LANSDOWN (1871-1941)

Entered I.C.S. 1895; Under Secretary to Government of Bengal, 1899-1902; Registrar, Calcutta High Court, 1902; Acting Chief Secretary, 1902; Private Secretary to the Lt. Governor; Secretary to the Board of Revenue, Calcutta; Financial Secretary to the Government of Bengal, and Additional Secretary; Member, Southborough Reform Committee; Chief Secretary, 1920; Member, Executive Council, Bengal, 1922-27; Acting Governor of Bengal, 1926 and 1930; Governor of Bihar and Orissa, 1927-32; Governor of Burma, 1932-36; Adviser to Secretary of State for Burma, 1937.

SYDENHAM (LORD), GEORGE SYDENHAM CLARKE (1848-1933)

Employed at War office till 1892; Secretary, Colonial Defence Committee, 1885-92; Secretary to Royal Commission on Navy and Army Administration;



sent on special service to a number of countries; Member of Committee of War Office Reorganisation 1900; Governor of Victoria, Australia, 1901-04; Member of War Office, Reconstruction Committee of Imperial Defence 1904-07; Governor of Bombay, 1907-13.

TONKINSON, HENRY (1880-1937)

*Secretary, Home Department, Government of India*

Entered I.C.S. 1904; Under Secretary to Government of Burma, 1910; Deputy Commissioner, 1917; Member, Legislative Council, 1919; Secretary to Government, 1919; Joint Secretary to Government of India, Home Department, 1922; Member of Legislative Assembly, 1922; Commissioner, Burma, 1927; retired 1936.

VINCENT, WILLIAM HENRY HOARE (1866-1941)

*Member of Governor-General's Executive Council*

Entered I.C.S. 1887; served in Bengal in various capacities in Executive and Judicial branches; officiated as Judge, Calcutta High Court, 1909 and 1910; Secretary in the Indian Legislative Department, 1911-15; Member, Executive Council of Lt.-Governor of Bihar and Orissa, 1915-17; Vice-President of the Council, 1921; Member of Council of India, 1923-31.

WEDGWOOD (LORD), JOSIAH CLEMENT WEDGWOOD (1872-1943)

Captain, Elswick Battery, S. Africa, 1900-01; President Magistrate, Ermelo, Transvaal, 1902-04; served European War 1914-16; on Mesopotamia Commission, July 1916; Assistant Director, French Welfare, 1917; M.P. 1906-42; Chancellor of the Duchy of Lancaster, 1924; Chairman, Committee on House of Commons Records, 1929; Vice-Chairman of Labour Party, 1921-24.

WHYTE, (SIR) ALEXANDER FREDERICK (1883)

*President of the Legislative Assembly, 1920-25*

One of the founders of the *New Europe* and Joint-editor 1917-20; M.P. 1910-18; travelled in United States, 1919-20; Political Secretary to Under Secretary for War (Lord Lucas) 1908-10; Parliamentary Private Secretary to Mr. Churchill, 1910-15; Political Adviser to the National Government of China, 1929-32; Head of American Division, Ministry of Information, 1939-40.

WINTERTON (LORD) (1883)

*Secretary of State for India, 1924-29*

Under Secretary for India, 1922-24; Chancellor of Duchy of Lancaster, 1937-39; Deputy to Secretary for Air and Vice-President of Air Council, March-May 1938; Member of the Cabinet, March 1938-June 1939; Chairman, Select Committee for Rebuilding of the House of Commons.

YOUNG, GERARD MACKWORTH (1884)

*Army Secretary, India, 1926-32*

Entered I.C.S. 1908; appointed Assistant Commissioner in the Punjab 1908; Under Secretary to the Punjab Government, 1913-15; Under Secretary, Home

Department, 1916-19; Military Department, India Office, 1919-20; Deputy Secretary to the Government of India, Army Department, 1912-24; Officiating Joint Secretary, Home Department, 1924-26; served in British Legation, Athens, 1939-41; reemployed Joint Secretary, War Department, Government of India, 1941-44.



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from all prejudices, and hospitable to all good influences, Hindu, Muslim, and British. His appearance reminded us of the ancient Roman consuls. He had a regal presence, a lordly manner and moved through the world on a high plane and dominated every gathering. He had not the taint of commonness but had a distinction of manner. Under his impressive and seemingly imperturbable bearing lay hidden an unusual sensitivity and a remarkable capacity for feeling pain. What he strove for was 'all forms and degrees of freedom'."

The book includes extensive editorial notes which explain in detail, not only the background of the speeches, but various important political and other incidents which characterised the decades which finally led up to the country's independence. The exhaustive footnotes, complete with cross references, throw light on many personalities, politically important in Pandit Motilal Nehru's days; they also mention the original sources for the convenience of readers interested in intensive study and research.

For a historical perspective of the early decades of the 20th Century, *The Voice of Freedom* is a "must".

EXTRACTS FROM THE SPEECHES OF  
PANDIT MOTILAL NEHRU

Referring to Mr. Ramsay MacDonald, Labour Prime Minister's all-out support to the Simon Commission:

*"It only aroused feelings of amazement and also of some pity in my own mind—amazement at the complete ignorance of the great ex-Prime Minister of conditions in India and pity at his imagining that he can influence Indian opinion by any number of threats. Now, for the thousandth time I declare in this House that it does not matter to us in the least what the Labour Government or any other Government can do or will do, and we are not at all concerned with that. We now stand on our own legs. Governments which have not paid attention to the lessons of history have invariably come to grief, to an ignominious end, and I have no doubt that what has not been accomplished by the statesmanship of England will be accomplished by destiny and destiny and the people of India will add one more to the long list of fallen Empires."*

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Referring to refusal of proffered co-operation by the Swaraj Party:

*"My friend, Sir Darcy Lindsay gave us a story which I think was very apposite. It was the story of the sailor who tried to rescue a drowning man. Well, he caught him by the head as it floated on the surface and asked him who he was. He said he was a Jew, on which the sailor gave him a ducking; but he bobbed up again and the sailor asked; 'Will you be a Christian?' He said 'NO'. So he gave him another ducking. After a time he pulled him up again and asked him: 'Will you be a Christian?' The poor man was now very exhausted and in a faint voice he said 'Yes'. Then he let him go saying 'Then die the death of a Christian'. Now, sir, apply that story to India."*